



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



July 30, 2009

Jon Sanabria
Acting Director of Planning

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Samuel Dea
Section Head
Special Projects Section

SUBJECT: Woodfin Suites Hotel/Neptune Marina Apartments Project Nos. R2006-03643, R2006-03644, R2006-03647, R2006-03652, and TR067861

A public hearing was heard by your commission on the above-mentioned projects (Project) on October 29, 2008. At the this hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the public. Unfortunately, due to time constraints, public testimony was not heard on Project Nos. R2006-03643 and R2006-03644.

Your commission continued the hearing to November 5, 2008 and directed staff to determine possible hearing dates when the commission may hold a hearing in the community of Marina del Rey. Your Commission also instructed staff to arrange a field trip to all of the proposed project sites which would allow the Commission to have to better understand the Project. At the November 5, 2008 continued hearing, your commission chose November 22, 2008 told hold the community hearing and field trip.

Prior to the field trip and public hearing, the applicants and County Counsel determined that the Draft Environmental Impact Report (DEIR) needed to be recirculated to address previously unrecognized impacts. Specifically, potential impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey and the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed projects needed to be addressed in the DEIR. The items were taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided some additional visual simulations and updated shade and shadow studies to assist in the analysis of the Project.

The RDEIR was recirculated for public input on June 11, 2009. A copy of this document was also provided to your commission on June 11, 2009. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections. The public review period for the RDEIR closed on July 27, 2009, and a new public hearing has been scheduled in the community of Marina del Rey on August 12, 2009 at 6:00 p.m. The field trip to the project sites has been scheduled for August 8, 2009 at 9:00 a.m.

At the October 29, 2008 public hearing, your commission directed staff to prepare a summary of the various concerns that were expressed by the public at the hearing and instructed the applicants to respond to the concerns raised by the opponents.

October 29, 2008 Public Hearing Summary

The following are comments and concerns that were raised by the public regarding the Project's DEIR and general development projects in Marina del Rey:

- The County is piecemealing development and needs to create a master plan for the Marina.
- The Marina is too densely developed and needs more open space and parks.
- The California Coastal Commission (CCC) has performed a periodic review of the Marina del Rey Local Coastal Program (LCP), and a comprehensive update of the plan should be done prior to the Regional Planning Commission approving any Marina projects.
- The CCC has requested that all future amendments to the LCP be batched together; therefore, individual projects with plan amendments should not be approved by the Planning Commission.
- The number of small boats slips in Marina del Rey will be reduced as a result of the current redevelopment projects.
- The projects do not provide adequate parking.
- The traffic studies in the DEIR are inadequate and antiquated.
- The DEIR fails to adequately assess cumulative impacts on traffic, dust, noise, and local services.
- The shadow and wind studies in the DEIR are inadequate.
- The Noise section of the DEIR is inadequate and does not recognize that many Marina residents are at home on weekdays.
- The Marina should be dedicated to public recreation because this was its intended purpose.

Agenda Item 6 - Project No. R2006-03647-(4) - Parcel 10R

Coastal Development Permit to authorize demolition of all existing landside improvements and construction of a 400 unit apartment complex.

Conditional Use Permit for site grading, export of earth in excess of 100,000 cubic yards, and parking for boater related uses

Variance for excess signage and a reduction of the required setback from the waterside promenade.

Amendments to the Marina del Rey Local Coastal Program to authorize the transfer of development units from an abutting Development Zone (Tahiti Development Zone) into the subject Development Zone (Marquesas Development Zone) and the averaging of the R-III and R-V residential densities on Parcel 10R; and a **Coastal Approval in Concept** for the proposed marina demolition activities and subsequent marina construction activities on the waterside portion of Parcel 10R.

The following are comments and concerns that were raised by the public regarding the proposed project on Parcel 10R:

- The proposed project will result in a reduction of boat slips.
- An amendment to the LCP is premature. The County needs to conduct a comprehensive review of the LCP prior to granting approval of any development permits in Marina del Rey.
- The proposed units will not be affordable to the current residents of Marina del Rey.

Agenda Item 7 - Project No. R2006-03652-(4) - Parcel FF

Coastal Development Permit to authorize demolition of all existing landside improvements and the construction of a new 126 unit apartment complex.

Conditional Use Permit for site grading and the export of earth from the site.

Variance for excess signage and a reduction of the required setback from the waterside promenade.

Amendments to the Marina del Rey Local Coastal Program: transfer development units from abutting and nearby Development Zones (Tahiti and Bora Bora Developments Zones) into the

subject Marquesas Development Zone; to change Parcel FF's land use designation from "Open Space" to the "Residential III" and "Residential V" designations with a Water Overlay Zone; to provide Open Space replacement on the lower portion of Parcel 9U; to change Parcel FF's height category from Category 1 to Category 3; to allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the densities of the proposed R-III and R-V residential categories on Parcel FF.

The following are comments and concerns that were raised by the public regarding Parcel FF:

- The proposed project is inconsistent with the policies of the LCP.
- The DEIR mischaracterized the current status of the Parcel FF parking lot. The lot appeared underutilized because it was used as a construction staging area and because the parking rate is too high.
- The Variance for the promenade setback should not be granted.
- The CCC is opposed to the conversion of public parking lots and open space lots to private uses.
- Parcel FF is not underutilized during major holidays and events such as Independence Day and the Christmas Boat Parade.
- The signage variance is unnecessary because the Marina is a small place and large signs will seem out of place.
- The public needs more parking in Marina del Rey.
- New residential projects should not be approved because local schools are at maximum capacity.

Agenda Item 8 - Project No. TR067861 – Parcel 9U North

Coastal Development Permit to authorize construction of a hotel with 288 rooms and with associated grading of approximately 44,000 cubic yards, with approximately 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported to a designated landfill.

Conditional Use Permit for the construction of a new parking structure for the hotel, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel facility, and for the construction and maintenance of an emergency rooftop heliport.

Variance for the reduction of the required setback from the pedestrian promenade.

Parking Permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

Vesting Tentative Tract Map to authorize a condominium subdivision for 136 timeshare units.

The following are comments and concerns that were raised by the public regarding the proposed project on Parcel 9U:

- Parcel 9U should be turned into a public park.
- The existing wetland on Parcel 9U should be considered an Environmentally Sensitive Habitat Area (ESHA).
- The proposed timeshare units should require an amendment to the LCP.
- The LCP should prohibit fractional ownership, such as timeshare units, because it inhibits public access to the Marina del Rey.
- The proposed hotel is out of character with the surrounding residential neighborhood.
- More expensive hotel rooms are not needed in the Marina. Developing this parcel with a hotel will diminish opportunities for development of low cost recreation facilities.
- A better visualization of the proposed view corridor is needed to assess the potential visual impacts of the project.
- The height of the proposed hotel will cause wind issues for boaters.
- The hotel will cause shading of nearby residential areas.
- The proposed heliport will create noise intrusion in the Marina.

One member signed up to speak on this project that was unable to due to time constraints.

Agenda Items 9a and 9b - Project Nos. R2006-03643 and R2006-03644 – Parcel 9U south and the adjacent basin

Coastal Development Permit to authorize construction and maintenance of a public wetland and upland park

Coastal Approval in Concept to authorize construction of public anchorage with approximately 2,923 square feet of dock area and approximately 542 linear feet of public-serving boat docking space.

Due to time constraints, the Regional Planning Commission was unable to take testimony on these projects. Staff has included a list of the speakers who registered to speak on these projects. (Attachment No. 5)

The following attached documents include additional correspondence received by staff since the October 29, 2009 public hearing.

1. Previously submitted RPC Packages (Staff reports, Draft Findings, and Conditions, and letters received from other departments and the public)
2. Letters received from other departments regarding the Recirculated Draft Environmental Impact Report (RDEIR).
3. Letters received from the public regarding the RDEIR.
4. Correspondence from the applicant's consultant regarding the utilization of Parking Lot FF.
5. List of speakers at the October 29, 2008 hearing who registered to speak on Project Nos. R2006-03643 and R2006-03644, but due to time constraints were unable to testify.
6. Documents submitted by the public at the October 29, 2008 hearing.

Agenda Item 6- Project No. R2006-03647 – Neptune Marina Apartments on Parcel 10R

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013-(4) (for removal of the proposed pedestrian promenade setback requirement) subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors. With respect to the variance request for signage in excess of what is permitted by the code, the applicant must provide more detailed evidence why a greater proportion of signage is necessary.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare a resolution recommending the approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors and prepare findings and conditions of approval for Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013.

Agenda Item 7 - Project No. R2006-03652 – Neptune Marina Apartments on Parcel FF

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014-(4) (for removal of the proposed pedestrian promenade setback requirement), subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors. With respect to the variance request for signage in excess of what is permitted by the code, the applicant must provide more detailed evidence why a greater proportion of signage is necessary.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare a resolution recommending the approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors and prepare findings and conditions of approval for Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014.

Agenda Item 8 - Project No. TR067861 – Woodfin Suites Hotel and Timeshare Resort

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020, Variance No. 200600012-(4), and Vesting Tentative Tract Map No. 067861.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020, Variance No. 200600012 and Vesting Tentative Tract Map No. 067861.

Agenda Items 9a and 9b - Project Nos. R2006-03643 and R2006-03644

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600006-(4), and Coastal Approval in Concept 200602191.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600006-(4) and Coastal Approval in Concept 200602191.

If you need further information, please call Mr. Michael Tripp of my staff at (213) 974-4813 or mtripp@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

Agenda Item No. 8a - Project No. R2006-03643

Agenda Item No. 8b - Project No. R2006-03644

Regional Planning Commission package submitted October 29, 2008.

RPC MEETING DATE
10/29/08

AGENDA ITEM NO.
10

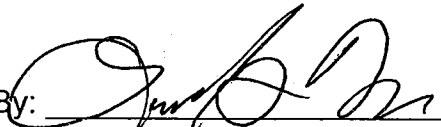
REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NOS: R2006-03643 and R2006-03644

CASE NO. Coast Development Permit No. 200600006-(4)
Conditional Approval in Concept No. 200602191-(4)

CONTACT PERSON: Michael Tripp

- ☒ STAFF REPORT
- ☐ DRAFT CONDITIONS
- ☒ BURDEN OF PROOF STATEMENT (CDP Request)
- ☒ ENVIROMENTAL DOCUMENTATION (DEIR submitted on 09/11/08)
- ☒ THOMAS BROTHERS MAP (Identifying Subject Property)
- ☒ LAND USE RADIUS MAP
- ☒ SITE PLAN
- ☐ PHOTOGRAPHS
- ☐ CORRESPONDENCE
- ☒ ATTACHMENTS
- ☒ VICINITY/GIS MAP
- ☐

Reviewed By: 



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2006-03643-(4) R2006-03644- (4)
CDP200600006-(4), RPP200602191

RPC/HO MEETING DATE: 10/29/08	CONTINUE TO
AGENDA ITEM 10	
PUBLIC HEARING DATE 10/29/08	

APPLICANT L.A. Co. Department of Beaches and Harbors	OWNER Los Angeles County	REPRESENTATIVE Andi Culbertson
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REQUEST
Coastal Development Permit to authorize construction and maintenance of a public wetland and upland park
Coastal Approval in Concept to authorize construction of public anchorage would contain approximately 2,923 square feet of dock area and would provide approximately 542 linear feet of public-serving boat docking space.

LOCATION/ADDRESS Northeast corner of Via Marina and Tahiti Way. Also known as Marina del Rey Parcel 9U (south).	ZONED DISTRICT Playa del Rey
	COMMUNITY Marina del Rey
	EXISTING ZONING SP (Specific Plan) Hotel

ACCESS
Via Tahiti Way (South) and Via Marina (West)

SIZE 1.46 acres	EXISTING LAND USE Vacant Land	SHAPE Rectangular	TOPOGRAPHY Flat
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SURROUNDING LAND USES & ZONING	
North: SP (Specific Plan) Multifamily Residential	East: SP (Specific Plan) Water/Multifamily Residential
South: SP (Specific Plan) Multifamily Residential	West: SP (Specific Plan) City of Los Angeles Multifamily Residential

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	N/A	N/A	N/A
Specific Plan	Hotel	N/A	Yes

ENVIRONMENTAL STATUS
Environmental Impact Report.

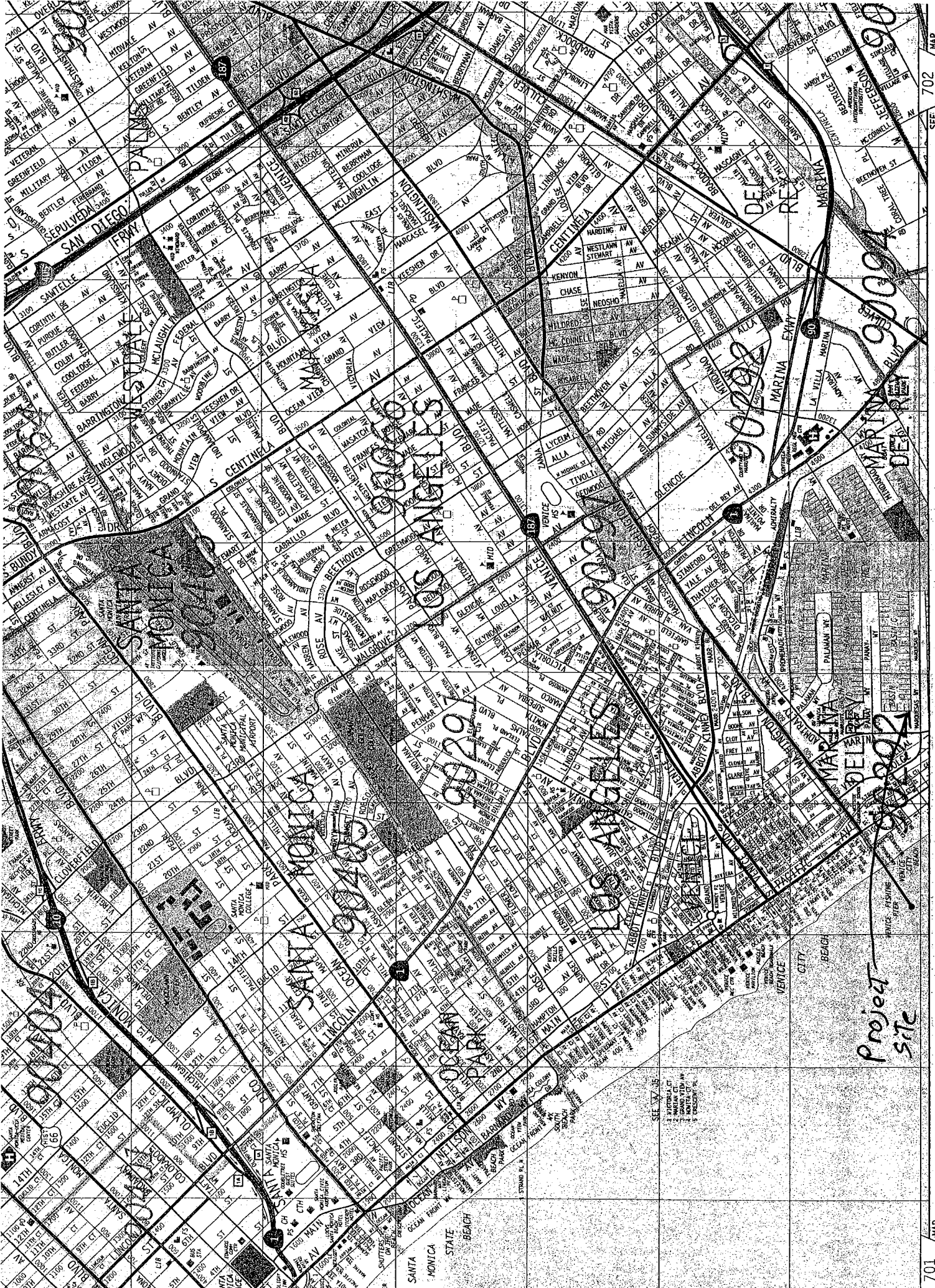
DESCRIPTION OF SITE PLAN
The site plan depicts the proposed wetland park.

KEY ISSUES
Satisfaction of Section 22.56.2320, of Title 22 of the Los Angeles County Code Coastal Development Burden of Proof

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS*	PETITIONS	LETTERS
(O) (F)	(O) (F)	(O) (F)

*(O) = Opponents (F) = In Favor



Project
site

STAFF ANALYSIS

PROJECT NUMBERS

R2006-03643-(4)

R2006-03644-(4)

CASE NUMBERS

Coastal Development Permit Case No. 200600006-(4)

Coastal Approval in Concept No. PP200602191

OVERVIEW OF PROPOSED PROJECTS

R2006-03643

The applicant, the Los Angeles County Department of Beaches and Harbors, is requesting a Coastal Development Permit to authorize the construction and maintenance of a 1.46 acre public wetland and upland park located on the southerly portion of Parcel 9U.

R2006-03644

The applicant, Legacy Partners, is seeking a Coastal Approval in Concept to construct a public anchorage that would contain approximately 2,923 square feet of dock area and would provide approximately 542 linear feet of public-serving boat docking space located adjacent to Parcel 9U.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at the northeast corner of Via marina and Tahiti Way, in Marina del Rey and in the Playa Vista Zoned District. The property is also known as Marina del Rey Parcel 9U. The wetland and upland park is proposed to be located on the southern portion of Parcel 9U.

The proposed public anchorage is to be built in the basin adjacent to Parcel 9U.

Physical Features

The subject property is a rectangular shaped parcel with a total landside area of 1.46 acres. The site is currently vacant.

Project Services Availabilities

The subject property does not current have vehicular access. The property has a street frontage on Via Marina, a secondary highway.

Proposed vehicular access is from Via Marina. Pedestrian access is proposed via the pedestrian promenade and Via Marina.

ENTITLEMENTS REQUESTED

A Coastal Development Permit to authorize the construction and maintenance of a public wetland and upland park.

A Coastal Approval in Concept to construct a public anchorage that would contain approximately 2,923 square feet of dock area and would provide approximately 542 linear feet of public-serving boat docking space.

EXISTING ZONING

Subject Property

Zoning on the subject property is SP Marina del Rey Specific Plan (Hotel).

STAFF ANALYSIS

Surrounding Properties

Surrounding zoning consists of:

North: Residential V

South: Residential III and Residential V

East: Residential III

West: Multifamily residential (City of Los Angeles)

EXISTING LAND USES

Subject Property

The subject property is currently vacant.

Surrounding Properties

Surrounding land uses consist of:

North: Apartment complex

South: Apartment complex

East: Apartment complex and water

West: Condominiums and Apartment complexes (City of Los Angeles)

PREVIOUS CASES/ZONING HISTORY

In March of 1983, the Regional Planning Commission approved a 300-room hotel complex.

In January of 1999, Conditional Use Permit No. 99-205 was filed for a 288 room hotel and a 527 unit residential complex. This application was denied due to inactivity.

MARINA DEL REY LOCAL COASTAL PROGRAM (LAND USE PLAN)

Land Use Designation

The subject property is classified as, "Hotel," with a "Water Overlay Zone," in the Marina del Rey Land Use Plan. Hotels with timeshare components are a permitted use in the, "Hotel/Water Overlay Zone," Land Use Categories.

The following Local Coastal Plan (LCP) policies are applicable to the proposed project:

Shoreline Access (Marina del Rey Land Use Plan (LUP) Chapter 1)

- **Public Access to Shoreline a Priority.** Maximum public access to and along the shoreline within the LCP area shall be a priority goal of this plan, balanced with the need for public safety, and protection of private property rights and sensitive habitat resources. This goal shall be achieved through the

STAFF ANALYSIS

coordination and enhancement of the following components of a public access system: pedestrian access, public transit, water transit, parking, bikeways, circulation network, public views and directional signs and promotional information. (LUP Chapter 1, Policy 1)

The project provides public pedestrian access along all the Parcel 9U bulkhead. The proposed landside improvements include a 28 foot wide public pedestrian promenade along the parcel bulkhead. The applicant is proposing a public serving wetland park.

- Existing public access to the shoreline or water front shall be protected and maintained. All developments shall be required to provide public shoreline access consistent with policy 1. (LUP Chapter 1, Policy 2)

The project will enhance public pedestrian access to the waterfront by the addition of the proposed 28 foot wide pedestrian promenade and directional signage. The applicant will also provide benches, rest areas and landscaping along the proposed promenade.

- All development in the existing Marina shall be designed to improve access to and along the shoreline. All development adjacent to the bulkhead in the existing Marina shall provide pedestrian access ways, benches and rest areas along the bulkhead. (LUP Chapter 1, Policy 3)

The project improves access to and along the shoreline through the enhanced waterfront pedestrian promenade. The project will also provide benches, rest areas and directional signs along the promenade. Currently, the vacant lot currently has perimeter fencing and is inaccessible to the public.

- All development in the existing Marina shall provide for public access from the first public road to the shoreline along all fire roads and across all dedicated open space areas consistent with the Shoreline Access Improvements, shown on Map 4. (LUP Chapter 1, Policy 4)

The project provides public access from public roads fronting the project to the shoreline along all fire roads and across all dedicated project open space areas.

- Public awareness of shoreline access ways and public areas shall be promoted by the provision of appropriate signs, outdoor exhibits and brochures. All development in the existing Marina shall be required to incorporate the following informational features to improve the public's awareness of access opportunities and the coastal environment:
 - a. Outdoor maps indicating the location and type of public access ways and parks;
 - b. Identifying and directional signs;
 - c. As appropriate, facilities for brochures and other informational aides; and
 - d. Outdoor exhibits describing historical, biological and recreational aspects of the coastal environment, which should be coordinated and integrated with similar such exhibits which may be established in other areas of Playa Vista project. (LUP Chapter 1, Policy 13)

The project will incorporate directional signage to enhance public awareness of the public promenade. The applicant will also provide an outdoor map showing locations of public waterfront access ways and parks located in Marina del Rey.

STAFF ANALYSIS

Recreation and Visitor-Serving Facilities (Marina del Rey Land Use Plan Chapter 2)

- As defined by the Coastal Act and specified in the specific design guidelines fore each parcel in the Local Implementation Program, new development shall provide additional recreational opportunities including trails, bikeways (additions and/or extensions of existing bike path), open space/park areas and viewing areas as appropriate. Adequate support facilities (bike storage lockers, drinking fountains, etc.) shall be provided. (LUP Chapter 2, Policy 2)

The proposed project provides new recreational opportunities in the form of a wetland and upland park. The proposed public docks will serve boaters visiting Marina del Rey.

- Lower cost visitor-serving facilities shall be protected and, to the extent feasible, new lower cost visitor-serving uses shall be encouraged and provided with the existing Marina. (LUP Chapter 2, Policy 4)

The proposed park and public docks will provide free recreational opportunities to visitors of Marina del Rey.

Cultural Heritage Resources (Marina del Rey Land Use Plan Chapter 7)

- Proposed projects shall be reviewed for potential cultural resource impacts through the County environmental review process. Appropriate environmental documentation and reasonable mitigation measures shall be required as determined by the Department of Regional Planning and the State Historic Preservation Office. These mitigation measures shall be incorporated into any development approved pursuant to the certified local coastal program. (LUP Chapter 7, Policy 1)

The Draft Environmental Impact Report for this project determined that no known cultural or archaeological resources exist on or near the project site and mitigation measures are included if such resources are encountered during project implementation.

- To insure proper surface site recordation, the State Historic Preservation Office shall be notified, along with Regional Planning, if any resource is discovered during any phase of development construction. A professional archaeologist shall be retained to monitor any earth-moving operations in the study area. A halt-work condition shall be in place in the event of cultural resource discovery during construction. (LUP Chapter 7, Policy 3)

The project will be conditioned to require that all work be stopped and the Department of Regional Planning and State Historic Preservation Office be noticed in the event that any item of cultural or archaeological significance is found.

Land Use Plan (Marina del Rey Land Use Plan Chapter 8)

- Preservation of the Small Craft Harbor facility a Priority.** The primary purpose of the Land Use Plan shall be to maintain Marina del Rey as a Small Craft harbor for recreational purposes. A secondary purpose shall be to promote and provide visitor-serving facilities. (LUP Chapter 8, Policy 1)

The proposed park and anchorage are visitor-serving facilities.

STAFF ANALYSIS

- **Design Control Board.** The Design Control Board, appointed by the Board of Supervisors, shall review all new development proposals, including renovations, for consistency with the Manual for Specifications and Minimum Standards of Architectural Treatment and Construction and the certified LCP, including the identity and accessibility of the Marina as a public boating and recreational facility, and shall recommend such modifications to the design as they deem appropriate.

Such review shall be completed prior to any application for development being submitted to the Department of Regional Planning for case processing. (LUP Chapter 8, Policy 6)

The project has received conceptual design approval Marina del Rey Design Control Board.

Coastal Visual Resources (Marina del Rey Land Use Plan Chapter 9)

- **Views of the Harbor a Priority.** Maintaining and enhancing views of the Marina shall be a priority goal of this Plan. Enhancing the ability of the public to experience and view the Marina waters shall be a prime consideration in the design of all new, modified or expanded development. This goal shall be achieved by placing conditions on permits for new development to enhance public viewing, to allow for greater public access and to create new view corridors of the waterfront. (LUP Chapter 9, Policy 1)

The proposed 28 foot wide pedestrian promenade and park will enhance views of the Marina.

- All development shall incorporate harbor views from streets and pedestrian access ways consistent with security and safety considerations. All development, redevelopment or intensification on waterfront parcels shall provide an unobstructed view corridor of no less than 20 percent of the parcel's water front providing public views of the Marina boat basins and/or channels. (LUP Chapter 9, Policy 6)

The proposed park and anchorage will provide unobstructed water views.

SITE PLAN

General Description

The applicants' site plans depict the proposed 1.46 acre public park and public anchorage.

Vehicular access is provided an entrance of Via Marina.

Compliance with Applicable Zoning Codes

Pursuant to Section 22.46.1370 of the County Code, establishments in the Hotel Land Use Category are subject to the following development standards.

- Building height is limited to a maximum of 225 feet;
- Front, rear and side yard setbacks shall be a minimum of 10 feet, in addition to the required highway and promenade setback.
- View corridors, public open space areas and/or access ways required in this Specific Plan may be designed and integrated with the required front, side and rear yard setbacks or located elsewhere on the property if such design will enhance visual and physical access to the shoreline;

No structures are proposed on this portion of Parcel 9U

STAFF ANALYSIS

- Hotels shall not reduce the amount of land area devoted to existing public parks, boating, or coastal-dependent marine commercial uses.

The proposals are a public park and anchorage.

A. With the exception of facilities located on Parcels 1, 54, 56 and 55, which shall be preserved on site, boating facilities may be relocated in conjunction with development so long as the same or larger boating facility is replaced within the Marina, and water and/or anchorage access necessary to allow the use to operate is preserved

Boating facilities are not proposed to be removed in conjunction with this project.

B. Any project which relocates an existing coastal-dependent boating use, including but not limited to boat launching, boat storage, boater parking and access, shall be phased so that said use is replaced within the Marina before the development which displaces it may commence;

The proposed project is not relocating a coastal-dependent boating use.

C. Visitor-serving uses shown on LUP Map 6, Existing/Proposed Visitor-Serving Facilities, shall be preserved or replaced on-site, as part of redevelopment;

The Visitor-serving uses shown on LUP Map 5 will not be impacted by this development.

D. Other existing recreation, visitor-serving and marine commercial facilities not shown on LUP Map 6 may be relocated in conjunction with development as long as the use is replaced within the Marina before the development which displaces it may commence.

No visitor-serving or marine commercial facilities are currently located on the subject parcel.

BURDEN OF PROOF (CDP)

Pursuant to 22.56.2410 of the Los Angeles County Code, the applicant must meet the burden of proof requirements for a Coastal Development Permit.

- That the proposed development is in conformity with the certified local coastal program.
- That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code:

"In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. (California Coastal Act (CCA) Section 3010)"

STAFF ANALYSIS

Based upon a review of these sections and the above-mentioned references to the project's consistency with the land use requirements of the Marina del Rey Local Coastal Program, staff analysis indicates that applicant has satisfied the Burden of Proof provisions.

Coastal Development Burden of Proof Responses

Applicant's responses attached (**Attachment A**). Staff is of the opinion that the applicant has sufficiently addressed Burden of Proof issues in a fashion that substantiates the findings required by Section 22.56.2410 of the Los Angeles County Code.

ENVIRONMENTAL DOCUMENTATION

A Draft Environmental Impact Report (DEIR), which was transmitted to the Regional Planning Commission on September 11, 2008, has been prepared for the project. The DEIR covered following five development proposals:

1. A 400-unit apartment complex on Parcel 10R;
2. A 126-unit apartment complex on Parcel FF;
3. A 288-room hotel and timeshare resort on the northern portion of Parcel 9U;
4. A public wetland and upland park on the southern portion of Parcel 9U;
5. A public boat anchorage located adjacent to the Parcel 9U bulkhead.

The DEIR examined the potential impacts of the proposed projects both singularly and cumulatively. When viewed as a group, the DEIR found 17 areas of potential concern. Cumulatively, the DEIR found significant and unavoidable impacts related to traffic, solid waste, population and land use. The DEIR determined that the proposed projects may pose potentially significant environment impacts in the following areas:

NOISE
TRAFFIC/ACCESS
LAND USE AND PLANNING
HYDROLOGY AND DRAINAGE
VISUAL QUALITY
WATER SERVICE
EDUCATION
FIRE PROTECTION
PARKS AND REC

AIR QUALITY
POPULATION AND HOUSING
GEOTECHNICAL AND SOIL RESOURCES
BIOTA
SEWER SERVICE
SOLID WASTE SERVICE
POLICE PROTECTION
LIBRARY SERVICES

The Draft Environmental Impact Report (DEIR) concludes that with the implementation of the proposed mitigation measures, all potentially significant impacts associated with 14 of the 17 above-described areas of concern can be mitigated to levels of insignificance at the project level. Cumulatively, significant impacts can be reduced to a level of insignificance in 13 of the 17 above-described areas.

STAFF ANALYSIS

Noise

During construction, sensitive uses located within 50 feet of the project site may experience noise levels that may reach 94 dB(A). Sensitive uses along the haul route may experience noise impacts ranging from 83 to 88 dB(A). Vibration impacts may also occur due to the use of pile driving equipment which is required for foundation construction.

Even with mitigation measures, the DEIR concludes that construction related noise and vibration impacts are considered significant and unavoidable.

Air Quality

The DEIR does not expect the construction or operation of the public park or boat docks to have a significant impact on air quality.

Visual Quality

The DEIR did not anticipate the public park and wetland to have a significant impact on visual quality.

Traffic/Access

The DEIR did not anticipate the public park and public anchorage to have a significant impact on traffic/access.

Cumulative development analysis performed in the DEIR determined that area-wide development would significantly impact 12 of the 17 study intersections. This impact is considered significant and unavoidable.

Population and Housing

No permanent population or housing can be attributed to the public park or public anchorage.

When this project is viewed cumulatively with other related projects in the area, there is a potential to exceed SCAG's 2010 population projections. These potential impacts are significant and unavoidable.

Land Use and Planning

When the proposed public park and public anchorage are viewed by themselves, they are not expected to have a significant impact on Land Use and Planning.

When the proposed project is combined cumulatively with other related projects, there is the potential for significant and unavoidable impacts.

STAFF ANALYSIS

Geotechnical and Soil Resources

The wetland park and public anchorage are not expected to have a significant impact on geotechnical or soil resources.

Hydrology and Drainage

The wetland park and public anchorage are not expected to have a significant impact on hydrology and drainage.

Biota

The placement of new pilings associated with the proposed dock may cause significant impacts to the existing water quality and the associated marine fauna living in the sea floor, due to the re-suspension of sediment. This impact is also considered potentially significant due to the use of the water by the Endangered Brown Pelican and California Least Tern

With mitigation measures, construction related biota impacts are expected to be less than significant.

Sewer Service

Based on the analysis of the DEIR, the proposed project will not have a cumulative impact on sewer service during either the construction or operational phases of the project.

Water Service

The DEIR did not foresee any significant impacts related to water service provided that the Marina water system upgrades are made, and the suggested water conservation measures are taken.

Solid Waste

The wetland park and public anchorage are not expected to have a significant impact on solid waste

Education

The proposed wetland park and public anchorage is not expected to contribute any new children to local schools.

Police Protection

The proposed wetland park and public anchorage is not expected to have a significant impact on police services.

STAFF ANALYSIS

Fire Protection

The proposed wetland park and public anchorage is not expected to have a significant impact on Fire Department services.

Library Services

The proposed wetland park and public anchorage is not expected to have a significant impact on library services.

Parks and Recreation

The proposed wetland park and public anchorage is not expected to have a significant impact on parks or recreation.

COUNTY DEPARTMENT COMMENTS

No comments were received from County Department regarding the proposed wetland park and public anchorage.

OTHER AGENCY COMMENTS

No comments were received from other agencies regarding the proposed wetland park and public anchorage.

PUBLIC COMMENTS

No comments were received from the public regarding the proposed projects

LEGAL NOTIFICATION/COMMUNITY OUTREACH

Hearing notices were mailed to 1,138 residents within a 500-foot radius of the subject property and other interested parties on September 3, 2008. The Draft Environmental Impact Report was mailed to Lloyd Taber Marina del Rey County Library in Marina del Rey, the Venice-Abbot Kinney Memorial Library in the City of Los Angeles, and the Julian Dixon Library in Culver City on September 2, 2008. Advertisements were published in the Argonaut and in *La Opinion* on September 4, 2008. According to the applicant, public hearing notices were posted at the project site on September 3, 2008.

STAFF EVALUATION

Issues

Pursuant to Section 22.46.1350, Title 22 of the County Code (Zoning Ordinance) public parks are a permitted use in the Hotel Land Use Category of the Marina del Rey Specific Plan. A Coastal Development Permit is required to undertake any development in the Coastal Zone. Staff finds that the proposed public park is consistent with the requirements for a Coastal Development Permit.

Pursuant to Section 22.46.1660, Title 22 of the County Code (Zoning Ordinance) docks are a permitted use in the Water Land Use Category. Staff finds that the proposed docks are consistent with the Zoning Ordinance.

STAFF ANALYSIS

STAFF RECOMMENDATION

Approval

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600006-(4), and Coastal Approval in Concept 200602191.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600006-(4) and Coastal Approval in Concept 200602191.

Report prepared by Michael Tripp, Principal Regional Planning Assistant
Reviewed by Samuel Dea, Section Head of Special Projects

Attachments:

Copy of Thomas Brothers Map
Burden of Proof
Land Use Map
Site Plan

SD:MRT:mrt

Attachment A

Marina del Rey Parcel 9U: Public Wetland Park

Burden of Proof Statements for Coastal Development Permit

County of Los Angeles Department of Beaches and Harbors (Applicant)

This exhibit has been prepared pursuant to Section 22.56.2410 of the Los Angeles County Code (LACC), which outlines the requisite findings for approval of a coastal development permit. Each required finding is listed below in italicized font; the applicant's description of how the proposed development project satisfies each finding follows in bold font.

The applicant shall substantiate to the satisfaction of the Planning Commission the following facts:

1. *That the proposed development is in conformity with the certified local coastal program.*

The proposed development project is consistent with the certified Marina del Rey Local Coastal Program ("LCP") in that:

- **Consistent with LACC 22.46.1180.12.a, the project has been reviewed and conceptually approved by the Department of Beaches & Harbors' Design Control Board ("DCB").**
- **Consistent with LACC 22.46.1190.A.1, proposed site development on Parcel 9U will occur in geologically safe areas.**
- **The Applicant will be conditioned to conduct site development in conformity with the archeological reporting requirements specified in LACC 22.46.1190.2.a-c.**
- **The proposed development project conforms to the phasing schedules in the LCP because:**
 - **With development of the project, there will be no significant, unmitigated peak-hour adverse traffic impacts created as a result of project development;**
 - **There is sufficient traffic capacity in both the Marina del Rey internal system and the sub-regional highway system serving the Marina to accommodate the traffic generated by the park; and**
 - **Consistent with LACC 22.46.1370, the proposed development will not reduce the amount of land area devoted to existing public parks, boating or coastal dependent marine commercial uses. To the contrary, the planned public wetland park will provide for substantial new, high-quality and free visitor-serving opportunities where none now exist. As noted, the vacant parcel is currently fenced-off from the public.**

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County of Los Angeles Department of Beaches and Harbors (Applicant)

- The Marina del Rey Land Use Plan, at pp. 2-7 and 2-8, states (under “Policies and Actions” subsection relating to “Recreation and Visitor-Serving Uses”):
 1. ...Typical visitor-serving uses may include public...recreation... Specific improvements proposed by this LUP include the conversion of Parcel FF from a parking lot to a *public park*...to accommodate public recreation use of the site.
 - 4 ...*new lower cost visitor-serving uses* shall be encouraged and provided within the existing Marina.
[Emphasis added]

The new wetland park also contributes to CEQA goals by providing habitat to herons and other water-oriented birds. Although the LCP has no policies in this regard, the County of Los Angeles is committed to environmental enhancements of this type through the CEQA process. There is no park of this type on this side of the marina.

The County of Los Angeles asserts that the proposed location of a public park on Parcel 9U is far superior to Parcel FF (see reference in subheading “1” above) in that Parcel 9U fronts a more heavily traveled street--Via Marina versus the Marquesas Way mole road--and would thus provide a more expansive waterfront park area to a greater number of passersby (offering superior Coastal waterfront access to a greater number of people) than a park that could in the future have been built at the Parcel FF mole road location. Moreover, the underutilization of the Parcel FF parking lot and the resulting contemplation for the parcel's conversion from parking to residential use is confirmed on Page 2-5 of Chapter A.2 of the LUP (Recreation & Visitor-Serving Facilities), which states, under the “Potential Conversion of Public Parking Lots” subsection: “Lots FF and OT, both on the wet side of the Marina, are under utilized throughout most of the year. *They are being contemplated for development as residential uses* (emphasis added).”

The combination of benefits that will be provided to the public from the planned public improvements on and adjacent to Parcel 9U represents a significant recreational boating, park/open space and environmental asset for the public, and is preferred by the County as mitigation for the loss of 2.048-acres of Open Space-designated land that would occur when Parcel FF is converted from its current underutilized surface parking function to residential use (as outlined in greater detail in the LCP amendment application for Parcel FF being pursued by the County of Los Angeles and Legacy Partners Neptune Marina, LLC). These planned public improvements include development of the subject wetland park on the southerly 1.46 acres of Parcel 9U and construction of a public boat anchorage alongside the Parcel 9U bulkhead. The public boat anchorage (in combination with funding 50% of the cost of developing the subject wetland park on Parcel

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9U) is proposed as the park and recreation mitigation package being offered by Legacy Partners Neptune Marina, LLC as compensation for its proposed conversion of Parcel FF from its current underutilized parking lot function to residential use (see Parcel FF LCP amendment application for further justification).

LCP Development Standards Consistency Analysis:

The LCP outlines development standards for each parcel and each land use category, but there are no standards for parks. The standards which may apply generally are as follows:

Principal Permitted Use: The planned hotel and timeshare resort adjacent to this park is consistent with the principal permitted use of Parcel 9U's "Hotel-WOZ" designation; public parks are also identified as a "permitted use" in the Hotel category. Therefore, the park development is consistent with Hotel land use category per the certified LCP.

Height Category 5: Although this portion of the parcel is in Height Category 5, there are no buildings associated with the park development. Therefore there is no height issue.

View Corridors: Provision of an unobstructed view corridor comprising at least 40% of Parcel 9U's lineal water frontage is depicted on the view corridor site plan exhibit submitted with the application filed by Woodfin Suite Hotels, LLC, relating to the hotel/timeshare resort proposed for development by Woodfin on the northerly portion of Parcel 9U. View corridors are required to be maintained so as to provide an unobstructed view of the bulkhead edge, masts and horizon for pedestrians and passing motorists. (Unobstructed views are defined in the LCP as views with no inhibition of visual access to the water.) Landscaping within view corridors is required to be placed so as not to obstruct water views. The project will be conditioned by the County to comply with this requirement.

Architectural Treatment: There are no buildings associated with the park and therefore no architectural issues.

Promenade: The LCP requires development of a continuous 28-foot-wide pedestrian promenade along the Parcel 9U bulkhead, with seating and landscaping provided along the bulkhead, consistent with standards for such contained in the MDR Specific Plan. As depicted on the site plan, the project fully complies with these requirements.

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County of Los Angeles Department of Beaches and Harbors (Applicant)

Site Design: The park shall consist of a newly established “muted” tidal salt marsh in the center of the park, surrounded by a buffer of 25 feet from the actual wetland area to both the developed hotel proposal to the north and Tahiti Way on the south. The muted tidal salt marsh shall be approximately 0.47 acres in size. The area outside of the actual salt marsh shall be planted in appropriate transitional vegetation. A protective fence shall be installed in a location and manner deemed appropriate for the biological and visitor functions.

Lot Coverage: Inapplicable.

Parking: The park is intended to be visited on foot, by boat, by bicycle and by car. Auto parking will be provided in the hotel/timeshare resort, which may be utilized by park visitors (as 21 open public, fee-based self-parking spaces are proposed for the hotel/timeshare resort project).

Landscaping: The restoration plan attached to this BOP illustrates the landscape plan for the park. Current efforts are underway to specifically identify the large, non-view-obstructing trees to be installed, so that heron usage is encouraged.

Marina del Rey Land Use Plan Policy Consistency Analysis:

The project is compliant with the following applicable policies of the MDR Land Use Plan:

Shoreline Access (“SA”): LUP Chapter 1

- (SA Policy 1) (*Public Access to Shoreline a Priority*). The project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel 9U bulkhead, in conformance with Sections 30210-30212 of the California Coastal Act and Chapter 1 (“Shoreline Access”) of the Marina del Rey Land Use Plan.

The project implements this key public access policy of the LCP through provision of a 28-foot-wide public pedestrian promenade along the parcel bulkhead; and through a public wetland park, and through provision of a lateral public access way (i.e., between Via Marina and the waterfront public pedestrian promenade) along the public park’s perimeter.

- (SA Policy 2) Public access to the water front is a key priority of the LCP, and will be enhanced through project’s provision of a public pedestrian promenade along the entire water frontage of the parcel.

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Marina del Rey Parcel 9U: Public Wetland Park

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Public access from Via Marina to the waterfront will be provided along the perimeter of the public wetland park.

- **(SA Policy 3) The project design vastly improves access to and along the shoreline through provision of waterfront pedestrian promenade and a wetland park to be developed over the southerly portion of the parcel. (The parcel is currently inaccessible to the public due to fencing around the site perimeter.) Development adjacent to the bulkhead (i.e., public promenade) will provide pedestrian access ways, benches and rest areas along the bulkhead. Conspicuous signage will be posted indicating the project's lateral access ways, the waterfront promenade and the wetland park as public.**
- **(SA Policy 4) (*Provision of public access over lateral access ways*). The project provides for public access from the first public road to the shoreline along all fire roads and across all dedicated open space areas (i.e., from Via Marina across fire access lane to be sited along perimeter of the wetland park to be developed over southerly portion of the parcel).**
- **(SA Policy 13) (*Directional Signs*). Consistent with this policy, the project will incorporate signage, outdoor exhibits and brochures to enhance public awareness of shoreline access ways and public areas, to include: i) conspicuous signage regarding public waterside access (public promenade); ii) outdoor map indicating the location and type of public access ways and adjacent public wetland park to be developed over southerly portion of the parcel.**
- **(SA Policy 14) (*Waterfront Viewing Opportunities*). The park will provide a substantial "window to the water" from Via Marina, thereby protecting the public's viewing opportunities from Via Marina, over the park and to the Marina waters, in direct fulfillment of this policy.**

Recreation & Visitor-Serving Facilities ("R&V-S"): LUP Chapter 2

- **(R&V-S Policy 2) (*Calling for additional recreational opportunities in new developments*). A public wetland park will greatly enhance the site's public recreational and resource opportunities. Further, the project provides substantially enhanced on-site recreational opportunities through its development of a new 28-foot-wide public pedestrian promenade along the entire waterfront of the parcel.**

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Marina del Rey Parcel 9U: Public Wetland Park

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- **(R&V-S Policy 4) (*Calling for the protection and advancement of additional low-cost visitor-serving facilities/uses in the Marina*). This policy is directly advanced through the proposed development of a public wetland park on the southerly 1.46 acres of Parcel 9U (to include a wetland resource educational signage program) as well as through the proposed development of a public pedestrian promenade along the entire bulkhead of the parcel.**

Recreational Boating ("RB"): LUP Chapter 3

- **(RB Policy 3) (*Boating-related support facilities*). Recreational boating is not adversely affected by the development of the wetland park. Conversely, the wetland park provides an "in-harbor" destination for small boats to visit.**

Marine Resources ("MR"): LUP Chapter 4

- **(MR Policy 2) (*Reduce contaminated run-off into Marina waters*). This policy of the LUP requires that appropriate measures be taken to reduce contaminated runoff into the small craft harbor and Ballona Creek. As the entire Parcel 9 site was originally slated for development, the wetland park reduces the pollutant load which would otherwise be contributed by providing a permeable and absorbing surface. To avoid adverse impacts on the local Marina and greater ocean waters, the Applicant will be required to comply with National Pollution Discharge Elimination System requirements of the California Regional Water Quality Control Board, as well as all pertinent stormwater quality management programs of the Federal, State and County agencies.**

Cultural Heritage Resources ("CHR"): LUP Chapter 4

- **(CHR Policy 1) Consistent with the Policy, the project will be reviewed during the environmental review/CEQA review process to determine potential impacts, if any, on cultural resources, and will be conditioned by the County Department of Regional Planning to appropriately mitigate any such potentially identified impacts in conformance with the requirements of the County and the State Office of Historic Preservation.**
- **(CHR Policy 2) Consistent with the Policy, in the event a cultural resource is found on-site during construction, it will be collected and**

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maintained at the Los Angeles County Museum of Natural History, or other appropriate location as otherwise provided by state law.

- (CHR Policy 3) Consistent with the Policy, the Applicant will be conditioned to notify the County Department of Regional Planning and the State Historic Preservation Office in the event a cultural resource is discovered during any construction phase. A halt-work condition will be instituted in the event of cultural resource discovery during construction.

Land Use Plan ("LUP"): LUP Chapter 8

- (LUP Policy 1) (*"The primary purpose of the Land Use Plan shall be to maintain Marina del Rey as a Small Craft harbor for recreational purposes. A secondary purpose shall be to promote and provide visitor-serving facilities. Development shall not detract from, nor interfere with, the use of existing or planned boating facilities, nor the ancillary uses which support these facilities."*)

This park supports this policy by providing a free visitor-serving park facility adjacent to the Marina waters. It is important to note that the park's location on the southerly portion of Parcel 9 possesses much better water views than the current open space location on Parcel FF. development will neither detract from nor *?this fragment?*

- (LUP Policy 2) (*Maintenance of the physical and economic viability of the marina is a priority*). The project, being free to the public, has no revenue stream. However, *?finish sentence?*
- (LUP Policy 6) (*Design Control Board*). As noted, the project has received conceptual design approval from the Marina del Rey DCB, as prescribed in the LCP. This DCB's review included review for consistency with the *Manual for Specifications and Minimum Standards of Architectural Treatment and Construction* and applicable policies of the certified LCP.
- (LUP Policy 8) (*Land Use Consistency*). As proposed in this application and outlined herein, the proposed project meets all applicable policies and development standards of the certified LCP, including, but not limited to, adequate parking, view corridors, public access to the

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shoreline, and provision of new usable public recreation and open space (waterfront public pedestrian promenade).

Coastal Visual Resources ("CVR"): LUP Chapter 9

- (CVR Policy 1) (*Views of the Harbor a Priority*). The park provides unobstructed views over it to the water.
- (CVR Policy 2) (*Signage*). A public educational signage program regarding wetland resources is proposed for the park.
- (CVR Policy 4) (*Design Control Board Review*). Consistent with this policy, the DCB has reviewed and conceptually approved this development proposal for consistency with the policies and objectives of the LCP.
- (CVR Policy 6) (*View protection*). Consistent with this policy, the project incorporates harbor views from streets and pedestrian access ways consistent with security and safety considerations.
- (CVR Policies 7&8) (*Building height standards*). There are no buildings on the site of the park.
- (CVR Policy 9) (*Wind*) Inapplicable to a public park with no structures.
- (CVR Policy 13) (*Landscaped viewing area provided along promenade*). The entire park offers viewing across the promenade to the water.

Hazards Chapter: LUP Chapter 10

- (Hazards Policy 1) (*Flood and Drainage review*). Inapplicable.
- (Hazards Policy 2) (*Geotechnical review*). Inapplicable.
- (Hazards Policy 3) (*Earthquake engineering*). Inapplicable.

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Marina del Rey Parcel 9U: Public Wetland Park

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Circulation ("CIR"): LUP Chapter 11

The policies of this chapter of the LUP detail appropriate circulation improvements that must be completed in order to mitigate traffic impacts of all potential development in the Marina. This LUP chapter also establishes traffic mitigation fees ("Category 1 and 3") that must be paid for all new development based on the increase in p.m. peak hour trips generated by the project.

- (CIR Policy 1) (*Internal Transportation Improvements*). Consistent with the policy, the traffic report prepared for the adjacent-proposed hotel/timeshare resort concludes that the planned hotel/timeshare resort development will not exceed the capacity of the internal Marina del Rey street system. The report further finds that project traffic impacts can be appropriately mitigated through Applicant's payment of the LCP-prescribed "PM Peak Hour" traffic mitigation fee; in turn, the County will utilize collected traffic mitigation fees to fund construction of "Category 1" ("System-wide") transportation improvements intended to mitigate traffic impacts internal to the Marina's local street network.
- (CIR Policy 3) (*Sub-regional Transportation Improvements*). As outlined in the project traffic study for the adjacent hotel/timeshare resort project, Woodfin Suite Hotels, LLC (Applicant of the adjacent hotel/timeshare resort project on northerly portion of Parcel 9U) will make its fair share contribution, though payment of the prescribed traffic mitigation fee, to help fund construction of "Category 3" ("Sub-regional") transportation improvements, which are prescribed in the LCP. Category 3 funds will be utilized by the County, in consultation with appropriate agencies, to help fund construction of sub-regional transportation improvements intended to insure that this project and other Phase 2 developments do not exceed the capacity of the sub-regional street system.
- (CIR Policy 4d) (*Category 1 Improvement Phasing*). Inapplicable.
- (CIR Policy 4e) Inapplicable.

Public Works ("PW"): LUP Chapter 12

- (PW Policy 2) (*Public Works improvements phasing*). Inapplicable.
- (PW Policy 3) *Water and Sewer Services*. Inapplicable.

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- (PW Policy 4) Inapplicable.
- (PW Policy 5) Inapplicable.
- (PW Policy 6) Consistent with this policy, the project will be conditioned to incorporate water-conserving technology consistent with local, state and/or federal regulations affecting same. As a native plant area, the project is naturally water-conserving and the water for the wetland comes from the marina.

Fire and Emergency Services

- (PW Policy 8) Consistent with this policy, the project provides a minimum 28-foot-wide fire lane (dual-use promenade/fire lane) along the parcel bulkhead. All fire access lanes in the project will be designed to maintain unimpeded access, clear to sky, with no benches, planters or fixed objects.
- (PW Policy 9) Consistent with this policy, the project includes a 28-foot-wide, dual-use public pedestrian promenade/fire lane along the parcel bulkhead (i.e., dual promenade/fire access lane).
- (PW Policy 10) Inapplicable.
- (PW Policy 11) Inapplicable.

[Note: The policies of LUP Chapters 13 “Diking, Dredging, Filling & Shoreline Structures” and 14 “Industrial Development & Energy Facilities” are not applicable to this project.]

2. *That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code:*

(Applicable Coastal Act Sections below)

COASTAL ACT PUBLIC ACCESS POLICIES

CA Coastal Act (“CCA”) Section 30210:

“In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities

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shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of property owners, and natural resource areas from overuse.”

The proposed project fully complies with CCA Section 30210, as set forth in detail in Applicant’s responses above addressing project consistency with the Policies contained in LUP Chapters 1-3 & 9 (“Shoreline Access,” “Recreation & Visitor-Serving Facilities,” “Recreational Boating,” and “Coastal Visual Resources”).

CCA Section 30211:

“Development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.”

As detailed in Applicant’s responses above addressing project consistency with the Shoreline Access, Recreational Boating and Coastal Visual Resources policies of the LUP (LUP Chapters 1, 3 and 9), the project does not interfere with, but, rather, enhances the public’s right of access to the Marina waters.

CCA Section 30212(a):

“Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...”

The project complies with this CCA section, as detailed in the responses above concerning SA Policy 1, SA Policy 4 and CVR Policy 6.

CCA Section 30213:

“Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...”

A free wetland public park to adjoin a public waterfront promenade and public marina is the ultimate in coastal access and therefore this policy is met.

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Marina del Rey Parcel 9U: Public Wetland Park

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COASTAL ACT RECREATION POLICIES

CCA Section 30220:

“Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.”

Boaters may visit this park, as well as pedestrians, bicyclists and persons coming by car. Such a flexible arrangement is not possible in an inland setting.

CCA Section 30221:

“Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.”

As outlined in the LUP consistency responses above, the proposed project advances this CCA Section by substantially enhancing and improving visitor-serving and public recreational uses of the site over existing conditions (the parcel is currently vacant and fenced off from the public).

CCA Section 30223:

“Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.”

Inapplicable.

CCA Section 30224:

“Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.”

Inapplicable.

Attachment 2

Letters received from other departments regarding the
Recirculated Draft Environmental Impact Report (RDEIR).



Metropolitan Transportation Authority

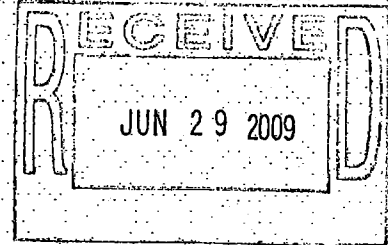
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Metro

June 26, 2009

Mr. Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012



Dear Mr. Tripp:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report (RDEIR) for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort project. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (Metro) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

The Traffic Impact Analysis prepared for the Recirculated Draft EIR satisfies the traffic requirements for the proposed project. However, the following issues were not addressed in the RDEIR and should be included for the Final EIR:

1. An analysis of the expected project impacts on current and future transit services along with proposed project mitigation;
2. Documentation on the assumptions/analyses used to determine the number and percentage of trips assigned to transit;
3. Information on facilities and/or programs that will be incorporated into the development plan that will encourage public transit usage and transportation demand management (TDM) policies and programs; and
4. Several corridors with Metro bus service could be impacted by the project. Metro Bus Operations Control Special Events Coordinator should be contacted at 213-922-4632 regarding construction activities that may impact Metro bus lines. Other Municipal Bus Service Operators including Culver City, LADOT, and Santa Monica's Big Blue Bus may also be impacted and therefore should be included in construction outreach efforts.

In addition, it does not appear as though the County of Los Angeles included Metro in the outreach efforts when the Notice of Preparation for the proposed project was open for public review between 3/22/2007 and 4/21/2007.

Metro looks forward to reviewing the Final EIR. If you have any questions regarding this response, please call me at 213-922-6908 or by email at chapmans@metro.net. Please send the Final EIR to the following address:

Metro CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Susan Chapman

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Chapman", with a long horizontal flourish extending to the right.

Susan Chapman
Program Manager, Long Range Planning



DEPARTMENT OF CONSERVATION

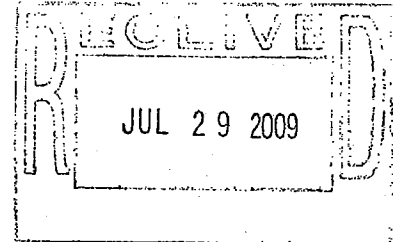
DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

5816 Corporate Avenue • Suite 200 • CYPRESS, CALIFORNIA, 90630-4731

PHONE 714 / 816-6847 • FAX 714 / 816-6853 • WEBSITE conservation.ca.gov

July 28, 2009

Mr. Michael Tripp
County of Los Angeles, Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012



Subject: Notice of completion and Availability Recirculated Draft Environmental Impact Report for the Neptune Marina Apartments and Anchorage /Woodfin Suite Hotel and Timeshare Resort Project, SCH# 2007031114

Dear Mr. Tripp:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced Recirculated EIR for Los Angeles County Regional Planning Department. We offer the following comments for your consideration.

The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code (PRC), and administrative regulations under Title 14, Division 2, Chapter 4, of the California Code of Regulations.

The proposed project is located inside the administrative boundaries of the Playa Del Rey oil field. There are two plugged and abandoned wells within or in proximity to the project boundaries. The well are identified as County of Los Angeles c/o R.A. Del Gu "Dow R.G.C." 9 and "Dow R.G.C." 10 on Division map 120 and in Division records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

Mr. Michael Tripp, Department of Regional Planning

July 28, 2009

Page 2

Building over or in the proximity of idle or plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

Sincerely,



Paul Frost
Associate Oil & Gas Engineer
Division of Oil, Gas and Geothermal Resources
District 1 - Cypress

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Adele Lagomarsino – Division Headquarters
Sacramento

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

December 17, 2008

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ASSISTANT DIRECTORS

WASTEWATER ENGINEERING SERVICES DIV.
2714 MEDIA CENTER DRIVE
LOS ANGELES, CA 90065
FAX: (323) 342-6210 OR 6211

File: SC.CB.

Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street,
Los Angeles, CA 90012

Dear Mr. Tripp:

FINAL RESPONSE: Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel & Timeshare Resort Project – Notice of Completion Draft EIR

This is in response to your October 21, 2008 letter requesting wastewater service information for the proposed project. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD), has conducted a preliminary evaluation of the potential impacts to the wastewater system for the proposed project.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Residential (2BR)	160 GPD/DU	136 DU	(21,760)
Parking	20 GPD/1000 SQ.FT	89,298 SQ.FT	(1,785)
Proposed			
Residential (1BR)	120 GPD/DU	330 DU	39,600
Residential (2BR)	160 GPD/DU	196 DU	31,360
Single-Family Home	330 GPD/DU	136 DU	44,880
Hotel	130 GPD/DU	152 DU	19,760
Restaurant	300 GPD/1000 SQ.FT	6,105 SQ.FT	1,832
Health Club/Spa	800 GPD/1000 SQ.FT	5,555 SQ.FT	4,444
Ballroom	800 GPD/1000 SQ.FT	5,200 SQ.FT	4,160
Retail	80 GPD/1000 SQ.FT	1,176 SQ.FT	95
Total			122,586



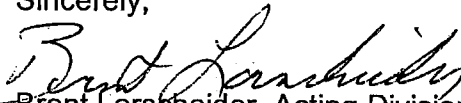
SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes the existing 15-inch line on Via Dolce. The sewage from the existing 15-inch line flows into the Venice Pumping Plant on Hurricane Ave before discharging into a 48-inch force main on Hurricane St. Based on our gauging information, the current flow level (d/D) in the sewer system is as follows: 15-inch line is approximately 14% full. Based on our pumping information the Venice Pumping Plant appears to have capacity. The design capacities at d/D of 50% for the 15-inch line are 866,833 Gallons per Day, for the 21-inch line is 3.53 million Gallons per Day, for the 24-inch line is 4.24 million Gallons per Day, and for the 48-inch line is 40.43 million Gallons per Day.

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation may be needed as part of the permit process to identify a sewer connection point. If the local sewer line, the 15-inch lines to the 48-inch sewer line, has insufficient capacity then the developer will be required to build a secondary line to the nearest larger sewer line with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Abdul Danishwar of my staff at (323) 342-6220.

Sincerely,



Brent Lorscheider, Acting Division Manager
Wastewater Engineering Services Division
Bureau of Sanitation

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
PUBLIC WORKS

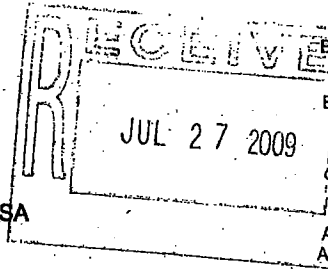
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VALERIE LYNNE SHAW

July 10, 2009

Michael Tripp
County of Los Angeles
Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

File: SC.CE.

Subject: **Neptune Marina Apartments and Anchorage or Woodfin Suite Hotel & Timeshare Resort Project – Notice of Completion Recirculated Draft EIR**

This is in response to your June 9, 2009 letter requesting a review of your proposed project. The Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

WASTEWATER REQUIREMENT

The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvements projects needed to provide future capacity as the City grows and develops.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Residential	150 GPD/DU	136 DU	(20,400)
Proposed			
Neptune Marina Apartments and Anchorage			
Residential: 1-BR	150 GPD/DU	330 DU	49,500
Residential: 2-BR	200 GPD/DU	196 DU	39,200
Woodfin Suite Hotel and Timeshare Resort			
Hotel	150 GPD/DU	152 DU	22,800
Residential: 1-BR	150 GPD/DU	68 DU	10,200
Residential: 2-BR	200 GPD/DU	68 DU	13,600



Restaurant	300 GPD/1000 SQ.FT	82,652 SQ.FT	24,796
Total			139,696

SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes the existing 15-inch line on Via Dolce. The sewage from the existing 15-inch line flows into a 21-inch line on Esplanade and through the Venice Pumping Plant on Hurricane Ave before discharging into the 48-inch Coastal Interceptor Sewer (CIS) force main on Hurricane St. The current flow level (d/D) in the 21-inch line cannot be determined at this time. According to our existing pumping data, the Venice Pumping Plant appears to have capacity.

Based on our existing gauging information, the current approximate flow level (d/D) and the design capacities at d/D of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
15	Via Dolce	14	866,833 GPD
21	Esplanade	*	3.53 MGD

* No gauging available

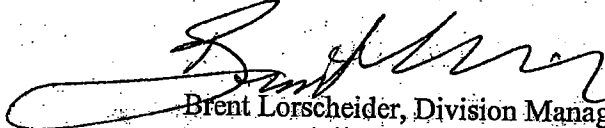
Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Abdul Danishwar of my staff at (323) 342-6220.

SOLID RESOURCE REQUIREMENTS

The City has a standard requirement that apply to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. For more details of this requirement, please contact Special Projects Division.

Special Projects staff is available at your request to provide guidance on solid resource issues. Should you have any questions, please contact Daniel Hackney at (213)485-3684.


Brent Lorscheider, Division Manager
Wastewater Engineering Services Division

cc: Mehr Irani, BOS
Daniel Hackney, BOS
Rowena Lau, BOS

Michael,

I am calculating the sewer rates for the proposed project but am unclear of the generation rates used in Table 5.8-2 of the Recirculated EIR. I can use the values provided in Table 5.8-2, but for future reference, the developers must use the proper values. Please see attached for the correct generation rates and use for your reference. Thank you and please let me know if you have any questions/concerns.

Denise Chow

Environmental Engineering Associate

Wastewater Engineering Services Division Bureau of Sanitation Department of

Public Works City of Los Angeles

(323) 342-1564

Denise.Chow@lacity.org

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
ACUPUNCTURE OFFICE/CLINIC	441/KGSF	882/KGSF	150/1000 GR.SQ.FT.	130	80
ARCADE - VIDEO GAMES	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
AUDITORIUM	12/SEAT	15/SEAT	4/SEAT	150	150
AUTO PARKING	61/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
AUTO BODY/MECH. REPAIR SHOP (may need Industrial Waste Permit)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC) Avg. Process Flow (INDUSTRIAL)	180	280
BAKERY	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	600
BANK: HEADQUARTERS	441/KGSF	588/KGSF	150/1000 GR.SQ.FT.	130	80
BANK: BRANCH	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
BANQUET ROOM/BALLROOM	4035/KGSF	6725/KGSF	800/1000 GR.SQ.FT.	1,000	600
BAR: COCKTAIL, FIXED SEAT	58/SEAT	64/SEAT	18/SEAT	200	200
BAR: JUICE, NO BAKING FACILITIES	386/KGSF	322/KGSF	120/1000 GR.SQ.FT.	200	200
BAR: JUICE, WITH BAKING FACILITIES	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	500
BAR: COCKTAIL, PUBLIC TABLE AREA	2522/KGSF	6725/KGSF	500/1000 GR.SQ.FT.	1,000	600
BARBER SHOP	307/KGSF	307/KGSF	100/1000 GR.SQ.FT.	150	150
BEAUTY PARLOR	859/KGSF	920/KGSF	280/1000 GR.SQ.FT.	150	150
BUILDING CONSTRUCTION / FIELD OFFICE	460/OFFICE	613/OFFICE	150/OFFICE	150	150
BOWLING ALLEY: ALLEY, LANES & LOBBY AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
BOWLING FACILITY:	SFC=Sum of SFCs for all areas, based on individual uses and SGFs	SFC=Sum of SFCs for all areas, based on individual uses and SGFs	SFC = Sum of SFC's for all areas, based on individual SGF's		
ARCADE/BAR/RESTAURANT/DANCING	151/SEAT	252/SEAT	30/SEAT	1,000	600
CAFETERIA: FIXED SEAT					
CAR WASH: AUTOMATIC - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	20	150
CAR WASH: COIN OPERATED BAYS- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	2,060/BAY	Avg. Process Flow	20	150
CAR WASH: HAND WASH - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	20	150
CAR WASH: COUNTER & SALES AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	20	150
CHAPEL: FIXED SEAT	12/SEAT	15/SEAT	4/SEAT	150	150
CHIROPRACTIC OFFICE	441/KGSF	882/KGSF	150/1000 GR.SQ.FT.	130	80
CHURCH: FIXED SEAT	12/SEAT	15/SEAT	4/SEAT	150	150
SCHOOL: DAY CARE/ELEMENTARY	24/OCCUPANT	30/CHILD	8/OCCUPANT	130	100

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
CHURCH SCHOOL: ONE DAY USE	593/KGSF	741/KGSF	200/1000 GR.SQ.FT.	130	100
COCKTAIL LOUNGE: FIXED SEAT (no prepared food served)	58/SEAT	64/SEAT	18/SEAT	200	200
COFFEE HOUSE: NO PASTRY BAKING & FOOD PREPARATION	386/KGSF	322/KGSF	120/1000 GR.SQ.FT.	200	200
COFFEE HOUSE: PASTRY BAKING ONLY (may need Industrial Waste Permit)	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	600
COFFEE HOUSE: SERVES PREPARED FOOD	151/SEAT	252/SEAT	30/SEAT	1,000	600
COLD STORAGE: NO SALES	52/KGSF	65/KGSF	20/1000 GR.SQ.FT.	150	150
COLD STORAGE: RETAIL SALES	210/KGSF	263/KGSF	80/1000 GR.SQ.FT.	150	150
COMFORT STATION: PUBLIC	307/FIXTURE	386/FIXTURE	100/FIXTURE	150	150
COMMERCIAL USE	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
COMMUNITY CENTER	12/OCCUPANT	15/OCCUPANT	4/OCCUPANT	150	150
CONFERENCE ROOM OF AN OFFICE BUILDING.	Same as other areas in an office building	Same as other areas in an office building	Same as other areas in an office bldg.	130	80
COUNSELING CENTER	441/KGSF	588/KGSF	150/1000 GR.SQ.FT.	130	80
CREDIT UNION	460/KGSF	613/KGSF	150/1000 GR.SQ.FT.	150	150
DAIRY- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	2,369	922
DAIRY: BARN- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (may need Industrial Waste Permit)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	2,213	1,453
DAIRY: RETAIL AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
DANCING AREA (within bars and night club)	1913/KGSF	2299/KGSF	600/1000 GR.SQ.FT.	200	200
DANCE STUDIO	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
DENTAL OFFICE/CLINIC	734/KGSF	881/KGSF	250/1000 GR.SQ.FT.	130	80
DOUGHNUT SHOP	1412/KGSF	1513/KGSF	280/1000 GR.SQ.FT.	1,000	600
DRUG REHABILITATION CENTER	441/KGSF	882/KGSF	150/1000 GR.SQ.FT.	130	80
EQUIPMENT BOOTH	61/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
FILM PROCESSING - 1 HOUR PHOTO, etc.	262/KGSF	262/KGSF	100/1000 GR.SQ.FT.	150	150
FILM PROCESSING - INDUSTRIAL- Bureau of Sanitation will determine the flow and rate based on quality of discharged water for the industrial portion (may need Industrial Waste Permit)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC) Avg. Process Flow (INDUSTRIAL)	150,160	15,060

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
FOOD PROCESSING PLANT Bureau of Sanitation will determine the flow and rate based on quality of discharged water for the industrial portion (may need Industrial Waste Permit)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC) Avg. Process Flow (INDUSTRIAL)	1,502,213	1,501,453
GAS STATION: SELF SERVICE (any mini mart is retail area)	330/TOILET	396/TOILET	100/W.C.	180	280
GAS STATION: FOUR BAYS MAX	1420/STATION	1420/STATION	430/STATION	180	280
GOLF COURSE: 18 HOLE/9 HOLE GREEN AREA	0	0	0	150	150
GOLF COURSE: DRIVING RANGE	0	0	0	150	150
GOLF COURSE FACILITY: LOBBY/OFFICE/RESTAURANT/BAR	SFC = SUM OF SFCs FOR ALL AREAS BASED ON INDIVIDUAL SGFs	Sum of all areas	SFC = Sum of SFC's for all areas, based on individual SGF's		
GYMNASIUM - BASKETBALL, VOLLEYBALL	767/KGSF	920/KGSF	250/1000 GR.SQ.FT.	150	150
HANGER (AIRCRAFT)	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	180	280
HEALTH CLUB/SPA (Industrial Permit may be required)	2455/KGSF	921/KGSF	800/1000 GR.SQ.FT.	150	150
HOMELESS SHELTER	244/BED	277/BED	75/BED	215	205
HOSPITAL	237/BED	269/BED	75/BED	250	100
HOSPITAL: CONVALESCENT	237/BED	269/BED	75/BED	250	100
HOSPITAL: ANIMAL	859/KGSF	920/KGSF	280/1000 GR.SQ.FT.	150	150
HOSPITAL: PSYCHIATRIC	75/BED	85/BED	75/BED	215	205
HOSPITAL: SURGICAL	244/BED	277/BED	450/BED	250	100
HOTEL: USE GUEST ROOMS ONLY	426/ROOM	492/ROOM	130/ROOM	310	120
JAIL	279/INMATE	278/INMATE	85/INMATE	310	120
KENNEL: DOG KENNEL/OPEN	307/KGSF	307/KGSF	100/1000 GR.SQ.FT.	150	150
LABORATORY: COMMERCIAL	655/KGSF	786/KGSF	250/1000 GR.SQ.FT.	339	151
LABORATORY: INDUSTRIAL - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	Avg. Process Flow	Avg. Process Rate	Avg. Process Flow	339	151
LAUNDROMAT (Industrial Permit may be required)	512/MACHINE	663/MACHINE	170/MACHINE	150	110
LIBRARY: PUBLIC AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
LIBRARY: STACKS, STORAGE	77/KGSF	77/KGSF	25/1000 GR.SQ.FT.	150	150
LOBBY (lounges, holding room or waiting area) OF RETAIL	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
LODGE HALL	12/SEAT	15/SEAT	4/SEAT	150	150
LOUNGE	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	200	200

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
MACHINE SHOP INDUSTRIAL - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150,290	150,550
MANUFACTURING OR INDUSTRIAL FACILITY- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150	150
MESSAGE PARLOR	844/KGSF	921/KGSF	275/1000 GR.SQ.FT.	150	150
MEDICAL BUILDING	734/KGSF	881/KGSF	250/1000 GR.SQ.FT.	130	80
MEDICAL: LAB IN HOSPITAL	655/KGSF	786/KGSF	250/1000 GR.SQ.FT.	331	151
MEDICAL OFFICE/CLINIC	734/KGSF	881/KGSF	250/1000 GR.SQ.FT.	130	80
MINI-MALL	330/KGSF	825/KGSF	80/1000 GR.SQ.FT.	600	400
MORTUARY: CHAPEL	12/SEAT	19/SEAT	5/7 GR. SQ. FT.	800	800
MORTUARY: LIVING AREA	246/KGSF	308/KGSF	4/SEAT 80/1000 GR.SQ.FT.	150	150
			SFC=Sum of SFCs for all areas, based on individual SGFs	215	205
MOTEL: USE GUEST ROOMS ONLY	426/ROOM	492/ROOM	130/ROOM	310	120
MUSEUM: ALL AREA	61/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
MUSEUM: OFFICE OVER 15% OF THE TOTAL AREA	460/KGSF	613/KGSF	150/1000 GR.SQ.FT.	150	150
MUSEUM: SALES AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
OFFICE BUILDING	449/KGSF	599/KGSF	150/1000 GR.SQ.FT.	130	80
OFFICE BLDG W/COOLING TOWER	539/KGSF	719/KGSF	180/1000 GR.SQ.FT.	108	67
PLATING PLANT- Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial/commercial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial/commercial portion	80/1000 GR.SQ.FT. (DOMESTIC)Avg. Process Flow (INDUSTRIAL)	150	150
POOL HALL (NO ALCOHOL)	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
POST OFFICE: FULL SERVICE	460/KGSF	386/KGSF	150/1000 GR.SQ.FT.	150	150
POST OFFICE: PRIVATE MAIL BOX RENTAL	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
PRISONS	574/INMATE	5745/INMATE	175/INMATE	310	120
RESIDENTIAL DORM: COLLEGE OR RESIDENTIAL	244/STUDENT	277/STUDENT	75/STUDENT	215	205
RESIDENTIAL: BOARDING HOUSE	244/BED	277/BED	75/BED	215	205
RESIDENTIAL: APT - BACHELOR	260/DWELLING	325/DWELLING	80/DU	215	205
RESIDENTIAL: APT - 1 BDRM.	390/DWELLING	487/DWELLING	120/DU	215	205

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
RESIDENTIAL: APT - 2 BDRM.	520/DWELLING	650/DWELLING	160/DU	215	205
RESIDENTIAL: APT - 3 BDRM.	650/DWELLING	812/DWELLING	200/DU	215	205
RESIDENTIAL: APT - >3 BDRM.	130/ADDNL. BDRM.	812/DWELLING	40 PER ADDITIONAL BEDROOM	215	205
RESIDENTIAL: CONDO - 1 BDRM.	390/DWELLING	478/DWELLING	120/DU	215	205
RESIDENTIAL: CONDO - 2 BDRM.	520/DWELLING	650/DWELLING	160/DU	215	205
RESIDENTIAL: CONDO - 3 BDRM.	650/DWELLING	813/DWELLING	200/DU	215	205
RESIDENTIAL: CONDO - >3 BDRM.	130/ADDNL. BDRM.	813/DWELLING	40 PER ADDITIONAL BEDROOM	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - 1 BDRM.	422/DWELLING	974/DWELLING - DUPLEX1072/DWELLING - SFD	130/DU	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - 2 BDRM.	585/DWELLING	974/DWELLING - DUPLEX1072/DWELLING - SFD	180/DU	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - 3 BDRM.	747/DWELLING	974/DWELLING - DUPLEX1072/DWELLING - SFD	230/DU	215	205
RESIDENTIAL: DUPLEX/TOWNHOUSE/SFD - >3 BDRM.	162/ADDL BDRM.	974/DWELLING - DUPLEX1072/DWELLING - SFD	50 PER ADDITIONAL BDR	215	205
RESIDENTIAL ROOM ADDITION: BDRM.	162/BDRM.		0 50/BDR	215	205
RESIDENTIAL ROOM ADDITION: OTHER THAN BDRM.		0	0 0	0	0
RESIDENTIAL ROOM CONVERSION: INTO A BEDROOM	162/BDRM.		0 50/BDR	215	205
RESIDENTIAL ROOM CONVERSION: INTO A ROOM OTHER THAN A BEDROOM		0	0 0	0	0
RESIDENTIAL: MOBILE HOME	520/DWELLING	650/DWELLING	160/DU	215	205
RESIDENTIAL: ARTIST WORK AREA (2/3 OF TOTAL AREA)	246/KGSF	308/KGSF	250/DU	215	205
RESIDENTIAL: ARTIST RESIDENCE (1/3 OF THE TOTAL AREA)	260/DWELLING	325/DWELLING	80/DU	215	205
RESIDENTIAL: GUEST HOME WITH KITCHEN	SAME AS RESIDENTIAL APT.		Same as Residential Apartment	215	205
RESIDENTIAL: GUEST HOME W/O KITCHEN	153/BDRM.	306/BDRM.	50 PER BDR	150	150
REST HOME	237/BED	269/BED	75/BED	250	100

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
RESTAURANT: DRIVE-IN	202/STALL	505/STALL	40/STALL	1,000	600
RESTAURANT: DRIVE-IN	101/SEAT	253/SEAT	20/SEAT	1,000	600
RESTAURANT: FAST FOOD INDOOR SEAT	101/SEAT	172/SEAT	20/SEAT	1,000	600
RESTAURANT: FAST FOOD OUTDOOR SEAT	61/SEAT	102/SEAT	12/SEAT	1,000	600
RESTAURANT: FULL SERVICE INDOOR SEAT	151/SEAT	252/SEAT	30/SEAT	1,000	600
RESTAURANT: FULL SERVICE OUTDOOR SEAT	91/SEAT	152/SEAT	18/SEAT	1,000	600
RESTAURANT: TAKE-OUT	1513/KGSF	1513/KGSF	300/1000 GR.SQ.FT.	1,000	600
RETAIL AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
RIFLE RANGE: SHOOTING STALLS, SHOOTING LANES, LOBBY AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
RIFLE RANGE FACILITY: BAR/RESTAURANT	SFC=Sum of SFCs for all areas based on individual SGFs	N/A	SFC = Sum of SFC's for all areas, based on individual SGF's		
SCHOOL: ARTS/DANCING/MUSIC	237/KGSF	296/KGSF		80/1000 G	130
SCHOOL: DAY CARE CENTER	24/CHILD	30/CHILD	8/CHILD	130	100
SCHOOL: ELEMENTARY/JR. HIGH	24/STUDENT	30/STUDENT	8/STUDENT	130	100
SCHOOL: HIGH SCHOOL	36/STUDENT	45/STUDENT	12/STUDENT	130	100
SCHOOL: KINDERGARTEN	593/KGSF	847/KGSF	200/1000 GR.SQ.FT.	130	100
SCHOOL: MARTIAL ARTS	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	130	100
SCHOOL: NURSERY - DAY CARE	24/CHILD	30/CHILD	8/CHILD	130	100
SCHOOL: SPECIAL CLASS	24/STUDENT	30/STUDENT	8/STUDENT	130	100
SCHOOL: TRADE OR VOCATIONAL	36/STUDENT	45/STUDENT	12/STUDENT	130	100
SCHOOL: TRAINING	36/STUDENT	45/STUDENT	12/STUDENT	130	100
SCHOOL: UNIVERSITY/COLLEGE	53/STUDENT	59/STUDENT	18/STUDENT	130	100
SCHOOL: DORMITORY	244/STUDENT	277/STUDENT	75/STUDENT	215	205
SCHOOL: STADIUM, PAVILION	12/SEAT	15/SEAT	4/SEAT	150	150
SPA/JACUZZI (Commercial with backwash filters) - Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	Avg. Backwash Flow		Avg. Backwash Flow	150	150
STORAGE: BUILDING/WAREHOUSE	52/KGSF		0		
STORAGE: SELF-STORAGE BUILDING	61/KGSF	65/KGSF	20/1000 GR.SQ.FT.	150	150
STORE: ICE CREAM/YOGURT	403/KGSF	76/KGSF	20/1000 GR.SQ.FT.	150	150
STORE: RETAIL	246/KGSF	504/KGSF	80/1000 GR.SQ.FT.	1,000	600
		308/KGSF	80/1000 GR.SQ.FT.	150	150

FACILITY DESCRIPTION	SFC / CREDIT RATE (DOLLARS) 7/1/94 TO PRESENT	SFC / CREDIT RATE (DOLLARS) FROM 6/16/70 TO 7/1/94	SFC FLOW RATE (GPD)	BOD (mg/l)	SS (mg/l)
STUDIO: FILM/TV - AUDIENCE VIEWING ROOM	12/SEAT	15/SEAT	4/SEAT	150	150
STUDIO: FILM/TV - REGULAR USE INDOOR FILMING AREA	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
STUDIO: FILM/TV - FILM PROCESS/MACHINE SHOP. Bureau of Sanitation will determine the flow and rate based on quality of discharged water (Industrial Permit may be required)	246/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	308/KGSF (domestic portion if any) and Ave. Process Flow for the industrial portion	80/1000 GR.SQ.FT. (DOMESTIC) Avg. Process Flow (INDUSTRIAL)	150	150
STUDIO: RECORDING	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
SWIMMING POOL (Commercial with backwash filters)	Avg. Backwash Flow	Avg. Backwash Rate	Avg. Backwash Flow		
SWIMMING POOL (Residential with replaceable filter cartridges)		0	0 0	0	0
TANNING SALON: INDEPENDENT, NO SHOWER	246/KGSF	308/KGSF	80/1000 GR.SQ.FT.	150	150
TANNING SALON: WITHIN A HEALTH SPA/CLUB	2096/KGSF	786/KGSF	800/1000 GR.SQ.FT.	150	150
THEATER: DRIVE-IN	31/VEHICLE	37/VEHICLE	10/VEHICLE	150	150
THEATER: LIVE/MUSIC/OPERA	12/SEAT	15/SEAT	4/SEAT	150	150
THEATER: CINEMA	12/SEAT	15/SEAT	4/SEAT	150	150
TRACT: COMMERCIAL/RESIDENTIAL	4127/ACRE	AS PAID	1/ACRE	215	205
TRAILER: CONST./FIELD OFFICE	450/OFFICE	613/OFFICE	150/OFFICE	150	150
VETERINARY CLINIC/OFFICE	823/KGSF	882/KGSF	280/1000 GR.SQ.FT.	130	80
WAREHOUSE	52/KGSF	65/KGSF	20/1000 GR.SQ.FT.	150	150
WAREHOUSE W/OFFICE	CHARGE EACH FACILITY SEPARATELY	65/KGSF - WRHSE599/KGSF - OFFICE	CHARGE EACH FACILITY SEPARATELY		
WASTE DUMP: RECREATIONAL	1320/STATION	1320/STATION	430/STATION	150	150
WINE TASTING ROOM: KITCHEN	692/KGSF	692/KGSF	215/1000 GR.SQ.FT.	150	150
WINE TASTING ROOM: ALL AREA	258/KGSF	323/KGSF	80/1000 GR.SQ.FT.	150	150

Attachment 3

Letters received from the public regarding the
Recirculated Draft Environmental Impact Report (RDEIR).

JUL 06 03 11:35a .11 p.1
To: Michael Tripp

LA Dept. of Reg. Planning

Re: R2006-03647
R2006-03652

TR067861

R2006-03643

R2006-03644

FAX 213 626-0434

By FAX

To: the LA Dept. of
Reg. Planning
Michael Tripp

No one wants

These oversized

GREEDY DEVELOPER
Projects!!

Please do NOT

Capitulate to
egos & money.
Enough!!

Tripp, Michael

From: Daniel Henry Gottlieb [daniel.gottlieb@gmail.com]
Sent: Monday, July 27, 2009 9:14 AM
To: Tripp, Michael; zev@bos.lacounty.gov; molina@bos.lacounty.gov; ridley-thomas@bos.lacounty.gov; knabe@bos.lacounty.gov; antonovich@bos.lacounty.gov
Cc: Leslie Dutton; FreeRichardFine@gmail.com
Subject: Revised Comments to Neptune et al RDEIR

Dear Mike,

Please note that this email is addressed to the members of the L. A. County Board of Supervisors as well as to you, with copies to the media and the press. As today is the last day for public comment on the Revised Draft Environmental Impact Report of the Neptune Project in Marina del Rey, it is important that the public is made aware of the on going community concerns about the development process following the Law. It is for that reason that I have agreed to distribute this document to the following media before today's deadline. Copies of this email will be distributed to:

City News Service,
So Cal News Service
The Argonaut,
Full Disclosure Network
Los Angeles Times
CityWatchla.com
RonKayela.org,
laobserved.com,
L A Weekly

FreeRichardFine@aol.com

You haven't replied to my questions over the last few weeks about:

How does the Final action name a new lessee, **North Point Venture**, for the Shores project without signing a new lease?

Will the Neptune **avoid** applying for an off-site transport Conditional Use Permit like the Shores did?

Where are the **original documents** on the Noise study 5.2 of the RDEIR which are implied by the cross through lines and the underlines which render the 'edited' document unreadable?

Mike, because of the fact that for the Shores Project, important letters failed to appear in the Final EIR, I would like to ask you to send me a **confirmation** that Impact Sciences has received this letter. Also I ask that you replace the old July 24, 2009 letter with the attached July 27, 2009 updated letter. If you can't, that's OK, the July 27 letter has only minor corrections made to it. the only substantial change I would make is to add a paragraph advancing an explanation of why the level of sophistry in the newer Neptune Project is so much higher and more obvious in the newer Neptune RDEIR than it is in the older Woodfin (= Neptune) DEIR and in the Shores EIR. I will put it in as a Post Script to this covering letter, since it involves a dramatic human interest story, which is the main grist for the media these days.

Thanks for your previous and anticipated help Mike,

Dan

PS. The main reason for the leap in the level of sophistry in the Neptune's RDEIR over the earlier DEIR and over the Successful Shores EIR is that the Shores was successful. If the Shores could get out of applying for a permit, why couldn't the Neptune similarly avoid applying for the same permit? If the Shores can succeed by changing the parameters of their construction plan without analyzing the new impacts, why couldn't the Neptune? Etc. How did the Shores succeed. Because our brilliant inexpensive lawyer, Richard I. Fine, US Supreme Court litigator and Federal Prosecutor, was disbarred, and hounded into jail by the Shores and Neptune lawyers. Hence he was not available to prosecute the Marina Strand Colony II's case against the Shores. Indeed, the intimidated Board of Directors of MSCII declined to appeal the Board of Supervisors reinstatement of the Shores permits. If that's what happens to our lawyer, what will happen to us by fighting the developers? If the Shores were penalized for its sophistry, the level of future sophistry would decrease, instead of leaping higher to a new level.

Mr. Michael Tripp,
Department of Regional Planning

July 27, 2009

Please submit this email for the record for the RDEIR of the Neptune, Woodfin, et al.
Also please distribute this email to the Regional Planning Board.

I am opposed to this project as a NIMBY because it will cause enormous noise and vibrations from our front on via Dolce and from our rear with contemporaneous construction noise from the Shores project which will be occurring at the same time. Clouds of dust borne by easterly winds will pollute our lungs and dirty our homes. When the long process of constructing the Shores, the sewer, the Woodfin skyscraper and the Neptune finally ends, our scenic highway via Marina, will be bordered by ugly large buildings out of character with the present low rise residential areas. The peace of the residential neighborhood will be broken by a large hotel deep in its middle with traffic all night and garbage and service trucks all day.

I am opposed to the Neptune project as a CITIZEN, because I don't want this country to turn into a third world country. The already approved Shores project has the **same lawyers and consultants** as the Neptune Project. The sophistry of the Shores which was unpunished, metastasized in this RDEIR of the Neptune project. One expects, that if it is rewarded, the next projects will even be more blatantly manipulated. The same type of sophistry which underlies our economic collapse permeates the M&R development process. When it becomes too blatant, our legal system will collapse or lose the confidence of the World.

Cross-Through Confusion

The worst example is the use of cross-through lines to confuse the reader. The Shores DEIR had a figure which showed the height above grade of the building. For the FEIR the grading and number of levels of subterranean garages changed, so one would expect the heights of the buildings would change. The Figure purporting to show the change had cross-through lines obscuring the old numbers and the new numbers. So there is no clear statement of the change of height above grade of the buildings. Also, there is **no statement** of the **absolute height** above sea level of the buildings.

The REIR of the Neptune project used a crossed through table to confuse the amount of off-site cubic yards transport. The Notice of Preparation of the Woodfin = the Neptune announced that the different components of the project would each ask for a Conditional Use Permit for offsite transport. When we saw this, we asked why the Shores did not say they would apply for a CUP. The answer came at the December 16, 2008 Board of

Supervisors hearing on the Shores project. There the Shores lawyer implied under **oath** that 92,000 cubic yards of debris and 25,000 cubic yards of soil did not exceed 100,000 cubic yards of material.

Off Site Transported Out

When we saw the RDEIR of the Neptune, the first thing we looked for was the treatment of the CUP for offsite transport. We never saw any specific wording of their obligation to apply for one. We did find a paragraph summary of the amount of grading and exported debris and soil, but the description was contained in a paragraph which confused the total amount of exported dirt with exported dirt from the Anchorage. In addition the total was **not correct**, as Mr. Tripp pointed out.

Search For Shores Finds Haul Routs Altered

We decided to search the RDEIR for the word 'Shores' .

We found it in section 5. 2 Noise. That is a long section consisting of underlined and cross-through line sentences. It is hard to read. It supposedly represents an earlier document reedited. But there is no earlier document. The Shores EIR and Additional Environmental analysis was very careful not to mention other projects and avoided being mentioned in the sewer EIR. We defy the consultants to produce a document which even looks like an original unedited Noise document.

If you search within the document for 'Shores', you will find what looks like a change in the haul route. The 'haul route **will be along** via Marina' is changed via underlining and crossing out to 'would **include** via Marina'. That means they are opening up the possibility of trucks moving along **via Dolce** and only 25 feet from our condos instead of the 50 feet that appears in the EIR of the Shores. Worse, still on the same page, the Neptune and Sewer projects will use a haul route **similar** to the Shores. So without a clear statement, preparations are being laid to increase the noise on Marina Strand Colony II by a factor of 4, since none of these haul trucks were supposed to pass closer than 50 feet to residences.

In The Shadows

In the Shores project, the shadows were shown to be incorrect in its DEIR. The 'correction' was given in the Shores FEIR. It consisted of several smaller Figures representing shadows over the year. Some Figures depicted the buildings as not rectangular. An issue was whether the **3 hour shadow threshold** of the City was exceeded. It will be. So we decided to search the Neptune RDEIR for 'hour'. Sure enough on page 5.6-55 we found '3 hours' in a paragraph which had simultaneous underlines and crossouts. We also found that the County has a threshold of two hours according to the RDEIR. We won't bother to do any calculations here. The point is: How would you like this kind of behavior on your checking account statement from your bank? Similar behavior has reduced your investments to about 50% of their value, because no one in authority spoke up. You are in authority. What's it going to be?

Note that November and March are the months when daylight savings changes. They don't show March in their shadow study because it is too much like October. October they do the study on the "**October Solstice**". There is no such day, so we don't know what day they are talking about in October, furthermore we don't know whether the time is Standard or Daylight Savings for the corresponding day in March. Recall that daylight savings change is in March and the equinox is also in March, but not in October.

Note that Daylight Savings dates changed recently under Bush, but the winter and summer solstices changed by one day after 2000, under Clinton, and the RDEIR got the equinox wrong. So maybe the RDEIR is covering up long hours of shade. My boating friends tell me that a boat needs sunshine to dry out.

A suppressed point of view

The Design Control Board was originally charged with assessing visual impact. But the Staff Counsel never informed them of their duty, until the public found the law in the LIP. When the DCB began to think of

upholding the law, the County staff found an 'inconsistency' with the law and removed their power to check for consistency with the LCP of any new project. But they had to give that power to the RPC.

Before the DCB was stripped of their power, the Shores Project had conducted an inadequate analysis in its DEIR stating that it was **unnecessary** because the DCB had **already approved** the scenic impacts. In their analysis they state: "Unfortunately, there **no definition of scenic** view in the LCP". The study the Shores presented of the scenic impact of the Shores Project consisted only of pictures of the del Rey Shores from across via Marina and via Marquesa.

So later when the Woodfin project had its scoping meeting, I asked for the impact of the 19 story building on the view from **Lighthouse Bridge** across Ballona Lagoon. This was contained in the Scoping meeting's minutes, in the appendices of the DEIR. This view was **not analyzed** in the DEIR or in the RDEIR. Furthermore the minutes of the Scoping meeting were **missing** from the DVDs of the Neptune Project sent to me and the MdR library. I hope the RPC is shown this view point in their walk around Marina del Rey this August.

Sincerely,

D. H. Gottlieb
Professor Emeritus Mathematics
3516 Via Dolce
Marina del Rey
CA 90292
gottlieb@math.purdue.edu
(310) 301 4980

Tripp, Michael

From: Daniel Henry Gottlieb [daniel.gottlieb@gmail.com]
Sent: Friday, July 24, 2009 9:54 AM
To: Tripp, Michael
Cc: Nancy Marino; David B - We ARE Marina del Rey; John Ainsworth; zev@bos.lacounty.gov; Lynne Shapiro
Subject: Comments to Neptune et al RDEIR

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Department of Regional Planning

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If you search within the document for 'Shores', you will find what looks like a change in the haul route. The 'haul route **will be along** via Marina' is changed via underlining and crossing out to 'would **include** via Marina'. That means they are opening up the possibility of trucks moving along **via Dolce** and only 25 feet from our condos instead of the 50 feet that appears in the EIR of the Shores. Worse, still on the same page, the Neptune and Sewer projects will use a haul route **similar** to the Shores. So without a clear statement, preparations are being laid to increase the noise on Marina Strand Colony II by a factor of 4, since none of these haul trucks were supposed to pass closer than 50 feet to residences.

In The Shadows

In the Shores project, the shadows were shown to be incorrect in its DEIR. The 'correction' was given in the Shores FEIR. It consisted of several smaller Figures representing shadows over the year. Some Figures depicted the buildings as not rectangular. An issue was whether the **3 hour shadow threshold** of the City was exceeded. It will be. So we decided to search the Neptune RDEIR for 'hour'. Sure enough on page 5.6-55 we found '3 hours' in a paragraph which had simultaneous underlines and crossouts. We also found that the County has a threshold of two hours according to the RDEIR. We won't bother to do any calculations here. The point is: How would you like this kind of behavior on your checking account statement from your bank? Similar behavior has reduced your investments to about 50% of their value, because no one in authority spoke up. You are in authority. What's it going to be?

Note that November and March are the months when daylight savings changes. They don't show March in their shadow study because it is too much like October. October they do the study on the "**October Solstice**"!! There is no such day, so we don't know what day they are talking about in October, furthermore we don't know whether the time is Standard or Daylight Savings for the corresponding day in March. Recall that daylight savings change is in March and the equinox is also in March, but not in October.

Note that Daylight Savings dates changed recently under Bush, but the winter and summer solstices changed by one day after 2000, under Clinton, and the RDEIR got the equinox wrong. So maybe the RDEIR is covernfg up long hours of shade. My boating friends tell me that a boat needs sunshine to dry out.

A suppressed point of view

The Design Control Board was originally charged with assessing visual impact. But the Staff Counsel never informed them of their duty, until the public found the law in the LIP. When the DCB began to think of upholding the law, the County staff found an 'inconsistency' with the law and removed their power to check for consistency with the LCP of any new project. But they had to give that power to the RPC.

Before the DCB was stripped of their power, the Shores Project had conducted an inadequate analysis in its DEIR stating that it was **unnecessary** because the DCB had **already approved** the scenic impacts. In their analysis they state: "Unfortunately, there **no definition of scenic view** in the LCP". The study the Shores presented of the scenic impact of the Shores Project consisted only of pictures of the del Rey Shores from across via Marina and via Marquesa.

So later when the Woodfin project had its scoping meeting, I asked for the impact of the 19 story building on the view from **Lighthouse Bridge** across Ballona Lagoon. This was contained in the Scoping meeting's minutes, in the appendices of the DEIR. This view was **not analyzed** in the DEIR or in the RDEIR. Furthermore the minutes of the Scoping meeting were **missing** from the DVDs of the Neptune Project sent to me and the MdR library. I hope the RPC is shown this view point in their walk around Marina del Rey this August.

Sincerely,

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VIA EMAIL

July 27, 2009

Mr. Michael Tripp
Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012

Re: Project R2006-03647, Project R2006-03652, Project TR067861, Project R2006-03643 and Project R2006-03644 (together the "Woodfin/Neptune Project") COMMENTS on combined Draft Environmental Impact Report (DEIR) and combined Recirculated Draft Environmental Impact Report - Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel And Timeshare Resort Project ("RDEIR"): OPPOSE

Dear Mr. Tripp:

We ARE Marina del Rey ("WAM") strongly urges the Department of Regional Planning to reject the projects listed above, to deny all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances, Parking permits and Tentative Tract Map No. 067861 based on the issues and comments previously submitted by WAM on October 28, 2008 on the projects and the DEIR and based on the following issues and comments on the DEIR and the RDEIR.

Although instructions indicate that comments can no longer be submitted on the DEIR, because the hearing was postponed mid-hearing and the hearing on the DEIR was not completed, WAM is submitting additional comments on the DEIR along with comments on the RDEIR.

1) PROJECT DESCRIPTION

Conversion of Parcel FF

Pages 3.0-10 to 3.0-13 discuss the conversion of parcel FF from a public parking lot to residential use. It states that public parking at lot FF has been underutilized. It references the 2004 Crain and Associates study and states:

Crain's 2004 findings regarding Lot 12's underutilization by the public are corroborated by the more recent findings of a comprehensive March 2009 report titled "Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey, California," prepared for the County Department of Beaches & Harbors by traffic engineering firm Raju Associates, Inc. ("Right-Sizing Study," attached as Appendix 5.7 to this DEIR).

Based on parking demand surveys of each of the Marina's 13 public parking lots conducted by Raju Associates during the busiest summer weekends, holidays (Memorial Day, Fourth of July and Labor Day), and special event days in the Marina (i.e., the Halibut Derby and Boat Parade) of 2005 and 2007, the Right-Sizing Study finds that

each of the Marina's public parking lots "are greatly underutilized to varying degrees almost throughout the year, except for a few holidays and pre-holiday weekend days, even when the gate arms are up and no parking fee is charged" (Right-Sizing Study, Executive Summary, Page 1).

Regarding Lot 12, the Right-Sizing Study concludes: ...[I]n the past few years, this overflow lot has not been used much by the general public for recreational purposes but has been used mostly for construction staging and by construction vehicles during construction [of a nearby apartment project]. No public demand has been noticed in this lot... This lot is planned to be removed from the list of public parking lots in the future pending a Plan Amendment is by the CCC (Right-Sizing Study, Page 15). Lot 12's underutilization by the public is explained by the lot's relative isolation from visitor or recreational attractions in the Marina or surrounding vicinity.

The following key comments are made regarding the studies and use of Parcel FF:

- The Right Sizing Study did not include Parcel FF/Lot 12 in its analysis. It made its findings based on the Crain & Associates study. Thus, references to the Right-Sizing Study should be deemed irrelevant and removed from the RDEIR
- The Crain & Associates analysis of Lot 12/Parcel FF makes no mention of the fact that two thirds of the lot was closed off for use as a construction staging parking for Esprit I development on Marquesas. A fence was put up on the perimeter of the lot covering its frontage to Via Marina and along Marquesas to the entrance. This use would skew the results of the parking study because fewer spaces would be available and the public would not be aware of the availability of a public parking lot.

The RDEIR states:

Development of Parcel FF with residential use, as proposed, will preclude the potential future development of a public park on the parcel, which could have occurred pursuant to the parcel's current Open Space land use designation. It should be noted there is no evidence that, absent the current development proposal, a park would, in fact, be developed on Parcel FF in the future.

Neither the County nor the private development community has any plans to develop Parcel FF for the permitted park use. To the contrary, Section A.2 of the LUP (page 2-5), under the "Potential Conversion of Public Parking Lots" subsection, expressly acknowledges that Parcel FF is underutilized by the public and is thus being contemplated for conversion to residential use.

The following comments are made with reference to the above statements:

- Section A.2 of the LUP (page 2-5) does not contemplate conversion of Parcel FF into residential use. It states:

“In the case of Lot FF, a public park is being contemplated as part of the new development.”

- Regardless of the contemplation of the LUP regarding potential conversion of public parking lots, the LUP parking policies #12 (page 2-8) clearly states:
“No designated public parking areas, including, but not limited to Lots OT, UR or FF shall be converted to uses other than public parking or parks.” (emphasis added)

Furthermore, the Marina del Rey Specific Plan limits development on Parcel FF to 25', which would preclude residential development.

The notion that just because an act was contemplated means it is allowed is unfounded. If the LUP truly contemplated conversion of public parking lots, parking policy #12 stated above would not have been created.

- A lease option for Parcel 10/FF was approved by Los Angeles County Board of Supervisors in August 2008. The lease option was conditioned on implementing a future EIR process.

Because of these factors, conversion of parcel FF into a park and/or other feasible alternatives and/or mitigation measures was precluded from consideration prior to the environmental review. This is indirect conflict with the courts that provided the following guiding general principle: “[b]efore conducting CEQA review, agencies must not ‘take any action’ that significantly furthers a project ‘in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.’” *Save Tara*, ____ Cal. 4th ____ (citing Cal. Code Regs., tit. 14, §15004(b)(2)(B)).

As enunciated by the Supreme Court, in determining whether a conditional agreement such as the one in *Save Tara* is an approval under CEQA, “courts should look not only to the terms of the agreement but to the surrounding circumstances to determine whether, as a practical matter, the agency has committed itself to the project as a whole or to any particular features, so as to effectively preclude any alternatives or mitigation measures.

An agency's statements and unofficial actions, taken as a whole, can be the basis for finding that an agency has “committed to a definite course of action” and, therefore, “approved” a project. If environmental review has not preceded the agency's “commitment,” then the agency has run afoul of CEQA.

Los Angeles County has stated on numerous occasions that FF would not be used as a park. They used FF as a staging ground for construction parking for 5+ years. Furthermore, the alternative project use of FF as a park was not fully considered. Los Angeles County never issued an RFP for any private or public entity for the creation of a park on Parcel FF. And, the County had not and is not intending to make use for this site

of Coastal Improvements Funds paid by developers for the purpose of park development in the Marina. They are doubling the population of the Marina without increasing green space for residents or public use.

The RDEIR states:

To further compensate for the inability to potentially develop a public park on Parcel FF in the future, as a result of developing the parcel with an apartment building, Legacy Partners will fund and develop a public-serving anchorage to adjoin the Parcel 10R and 9U bulkhead. (pg 3.0-73).

This tradeoff does not provide residents of Marina any compensation or mitigation for the loss of a potential park. As stated previously, the residential population is expected to grow with all the proposed redevelopments in the Marina. And there are no provisions park facilities or green space for residential use.

Timeshare Component

The RDEIR on page 3.0-32 states that:

The Woodfin Suite Hotel and Timeshare Resort will enhance visitor-serving uses by providing much needed additional overnight accommodations through both the hotel and timeshare component, both of which are consistent with the LCP.

Our comments:

- There is no supporting documentation that shows much needed additional overnight accommodations are needed in Marina del Rey. Historical occupancy rates are in the low 70s%. A need for low-cost overnight accommodation does exist, which this project does not meet. Additionally, the redevelopment proposals of the existing hotels in the Marina will increase the cost of staying in the Marina, making it unaffordable for the average tourist, which is not consistent with Coastal Act policies.

The DEIR, Section 5.17 states:

Several sections of the LCP discuss hotel use. As set forth below, an analysis of these LCP sections demonstrates that the proposed timeshare component is tantamount to this type of approved and encouraged visitor-serving use.

Despite the DEIR analysis that concludes timeshare is consistent with the LCP through a myriad of related definitions and references to the County General Plan, we have previously stated in our October 28, 2008 comments that the Coastal Commission requires an LCP amendment for timeshare development when the LCP does not specifically authorize timeshare development. Neither the Marina del Rey LUP and LIP specifically allow timeshare use or include timeshare use in the definition of hotel. Thus timeshare is not a permitted use per the LCP or the Coastal Act without an LCP amendment to change land use regulations.

From the statement above, the DEIR continues with:

First, subsection (e) (Policies and Actions) of section A.2 (Recreation & Visitor-Serving Facilities) in the LUP lists overnight lodgings as a qualifying visitor-serving use in accord with related Coastal Act provisions. The timeshare portion of the Woodfin component, which, as noted, will be operated similarly to a conventional hotel, is a type of overnight lodging that is consistent with the overnight lodging policies of the LUP's Recreational & Visitor-Serving Facilities chapter.

It is true that overnight lodgings is included as a visitor-serving use but it included with public or private recreation, cultural and educational facilities, gift and specialty shops, service concessions (ie boat, bicycle or skate rentals), food and drink establishments and related parking areas. It is clear from this list that visitor-serving uses are for temporary use of services and not for ownership. This applies to overnight lodgings. The LCP does not define overnight lodgings and the definition of timeshare implies ownership, not temporary use of services. Additionally, as will be discussed in more detail below, the key to the definition of hotel in the Los Angeles County General Plan is temporary. Thus, timeshare is NOT consistent with the overnight lodging policies of the LUP of the Coastal Act.

The DEIR further states:

Second, LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 – Mapped Policy for the Land Use Plan), lists “hotel” as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. The proposed timeshare component would be limited to a maximum annual and consecutive use of four weeks, in an integrated tower with other hotel suites, all of which would provide overnight accommodations and which would be contained in a structure providing dining and ancillary services.

The section of the LUP referenced in the preceding paragraph provides a list of land use categories which includes hotel. The land use category describes what a hotel/motel is permitted to do. In other words, it defines hotel/motel use as providing overnight accommodations and attendant visitor-serving services. Thus, the LCP does define hotel. And it is silent on ownership of timeshare suites.

Furthermore, the RDEIR states:

Finally, the LCP section addressing the Land Use Plan (LUP section C.8.e.7.) incorporates by reference language from the Countywide general plan and Title 22, Planning and Zoning, Los Angeles County Code.

LUP section C.8.e.7 does incorporated by reference, language from the Countywide general plan and Title 22, Planning and Zoning but it is in relation to entitlements to develop a new uses or change or expand an existing uses. And it states that such entitlements will utilize the County's Planning and Zoning code (Title 22) for the Coastal Development Permit process. Additionally, it will use the County's general plan, Title 22 and the LUP is it relates to the design, location and

intensity of development on a specific parcel but it does not reference or incorporate language related to the type of use. Thus, this section provides no information as to the consistency of timeshare use with the LCP or the Coastal Act.

Specifically, the Marina del Rey Specific Plan portion of the Zoning Code, section 22.46.1030.A (Relationship to the Los Angeles County Land Use Regulations), states: "For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control." Therefore, because the LCP does not expressly define overnight lodgings or hotel (i.e., the LCP is "silent" on the issue), Title 22 provisions apply to this use.

First, as discussed above, the LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 –Mapped Policy for the Land Use Plan) does define hotel use as providing overnight accommodation. The LUP is not silent so the provision "*For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control,*" does not apply.

Furthermore, the Marina del Rey Specific Plan, Section 22.46.1030 states:

Where provisions of this Specific Plan are in conflict with other provisions of this Title 22, this Specific Plan shall prevail.

Additionally, section 22.46.1020 reads:

This Specific Plan is a key component of the Local Implementation Program for Marina del Rey. It is designed to implement the Marina del Rey Land Use Plan through the application of site-specific development standards and guidelines.

The Specific Plan implements the Land Use Plan and the Land Use Plan defines hotel use. Therefore, the Specific Plan is not silent on definition of hotel. And the LCP is not silent on the definition of hotel.

The DEIR further states:

Title 22 defines hotel as "Any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied on a temporary basis by guests." The project proposed hotel and timeshare use is consistent with this definition and is therefore an allowed use on Parcel 9U.

To be conservative, even if the LCP was silent on hotel use, Title 22 of the Los Angeles County General Plan does not define nor include timeshare use. It specifically defines hotel as a temporary use which is in direct conflict to the definition of timeshare. Wikipedia defines timeshare as:

"A timeshare is a form of ownership or right to the use of a property, or the term used to describe such properties. These properties are typically resort condominium units, in which multiple parties hold rights to use the property, and each sharer is allotted a

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period of time (typically one week, and almost always the same time every year) in which they may use the property."

According to the *Research & Practice Guide: California Legislative History and Intent*, "statutory language is to be interpreted according to the ordinary and common meaning of the words used unless it is clear that the legislature intended a different meaning.

It is clear that neither the Marina del Rey LCP nor the County General Plan includes timeshare in the definition of hotel and it was not intended to do so.

To summarize:

- 1) The LCP does define hotel - LUP section C.8., Land Use Plan, subsection (e) (Policies and Actions, Part 2 –Mapped Policy for the Land Use Plan)
- 2) Title 22 of the LA County Planning and Zoning code definition of hotel does not include timeshare.
- 3) It is irrelevant that both the Marina del Rey LCP and the County General Plan and Title 22 code do not exclude timeshare. Judicial interpretation assumes that a drafter's intent not to include is purposeful. They say what they mean.
- 4) Ownership of a timeshare that may cost \$10,000 is not equivalent to the temporary, overnight use of a hotel room for \$250. Additionally, there is no guarantee that the timeshare units will actually be available to the general public.

In conclusion, the use of timeshares in Marina del Rey is inconsistent with the Marina del Rey LCP and the Coastal Act. Therefore, the Woodfin portion of the project should be rejected.

Public Access & Recreation

The Woodfin/Neptune project calls for an interactive node of public access and recreation that includes the Wetland and Upland Park, the public anchorage, the Waterfront Stroll Promenade and the first floor amenities and services of the Woodfin Hotel including the restaurant. The RDEIR states:

It is intended that the ground floor of the hotel, the adjacent pedestrian promenade, the wetland park, and the public serving boat spaces combine to create an interactive public node.

Additionally, it states:

Turf block areas would provide a sturdy space for group lectures, seating for visitors bringing lawn chairs for bird watching etc., and maintenance vehicles.

And:

Parking for park visitors will be conveniently located within the adjacent hotel/timeshare resort's parking area (as noted, up to 21 fee-based self-parking spaces will be provided within the hotel/timeshare resort project, for use by the public).

Appendix 5.7c - *Crain Associates Shared Parking Analysis for Woodfin* - analyzes the uses of the project that will require parking and the amount of spaces. This list includes only:

- Hotel/Timeshare Resort
- Sundry Shop
- Spa
- Ballroom
- Meeting Room
- Restaurant

The Shared Parking Analysis does not analyze public parking requirements for the public anchorage, the wetland park or the stroll promenade. Providing just 21 parking spaces for all the intended public access and recreation uses is insufficient and would require visitors to use the more expensive valet services for public access.

Ironically, the overall project eliminates a 200-space public parking lot (Parcel FF), adds what it calls an "interactive public node" (to justify the egregious overall project) and then provides insufficient public parking.

The lack of public parking spaces and the cost of valet is inconsistent with the visitor-serving provisions of the Marina del Rey Land Use Plan and the Coastal Act.

Original Project Started On Site

The RDEIR on page 3.0-3 states that:

In 1981, a hotel was previously approved by the CCC for development on the subject Parcel 9U (the "Marina Plaza Hotel"; see CCC Case No. A-207-79). The Marina Plaza Hotel was approved by the CCC with 300 guest rooms in nine stories and an assortment of patron- and visitor-serving accessory uses, including restaurants, a bar, a coffee shop, banquet facilities and meeting rooms, all over two stories of subterranean parking. Some site grading was completed and two concrete piles were installed by the developer of the Marina Plaza Hotel. The developer ultimately abandoned the Marina Plaza Hotel development on Parcel 9U due to lack of finances.

However, there is nothing in the DEIR or RDEIR that addresses the fact that the concrete piling installed to support the building foundation sank. There is no analysis that supports the weight and height of a 225 foot building on this site.

Wetland Park

The Woodfin/Neptune project calls for the removal of the existing freshwater wetlands and recreation of a seawater based wetland park. Case law from Bolsa Chica provides that wetlands are not allowed to be moved.

Additionally, section 30233 - Diking, filling or dredging; continued movement of sediment and nutrients of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, **and shall be limited to the following:**

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (6) Restoration purposes.
- (7) Nature study, aquaculture, or similar resource dependent activities.

The proposed Woodfin/Neptune project does not meet these requirements.

These factors would make the proposed project for a wetland project inconsistent with State law and the Coastal Act.

Questions

- 1) The Parking Policies of the Marina del Rey LUP state that all development must include parking for residents, guests, visitor use and public access. How does this project meet the requirements of this policy?
- 2) 3.0-67 states that Woodfin hotel will have a 225 ft building height when measured from finished grade elevations along Via Marina. Will the grade level of Parcel 9U be changing?

- 3) How much cumulative excavation, cut and fill will there be from the Woodfin/Neptune project, The Shores, the Venice Dual Force Main project and the Esprit II project? This has not been analyzed.
- 4) What are the overall construction impacts and timelines from the Woodfin/Neptune project, The Shores, the Venice Dual Force Main project and the Esprit II project? This has not been analyzed.
- 5) In order to build the public anchorage on Parcel 9U, it appears that the existing dock and slips along Parcel 9U will be eliminated. Currently, these slips belong to the Bay Club Anchorage. Where in the DEIR or RDEIR is the demolition of these slips discussed and analyzed including parcel boundary changes?
- 6) How much transition and upland habitat and upland scrub?
- 7)

2) NOISE

Page 5.2-1 of the RDEIR concludes:

Construction noise would affect nearby noise sensitive residential uses and noise sensitive uses along the proposed haul route. Exterior noise levels during site construction of up to 100 dB(A) could be experienced at some noise sensitive uses that would have direct lines of sight pile driving. Noise levels generated during construction would periodically exceed County standards for exterior noise levels during the workday. To mitigate construction noise, all construction activities would comply with the County of Los Angeles Noise Control Ordinance (Ordinance No. 11773).) so that construction noise would be limited to normal working hours when many residents in the Marina del Rey would be away from their homes. Nevertheless, construction noise would represent a temporary, but significant impact, as noise levels would periodically exceed County standards, even after mitigation.

Section 5.2 of the RDEIR fails to include the following factors in its analysis of Construction Noise impacts, Haul routes noise impacts, Vibration impacts and Operation Impacts; Point Source Noise. Therefore the DEIR and RDEIR do not truly analyze cumulative noise impact.

Esprit II Impacts Not Analyzed

In 2009, Los Angeles County renegotiated its lease with Marina Two Holdings for Parcel 15 (Esprit II), a parcel that previously received project approval for a 500+ unit apartment complex and a 225 slip anchorage. The Esprit II parcel abuts part of the Woodfin/ Neptune/Woodfin Project, specifically on parcel FF portion. The Esprit II project includes multiple buildings in an L-shape along Via Marina and Panay Way. It is located across from the Shores project.

The renegotiated lease requires that the developer complete construction of Esprit II by August 2013, approximating the completion times for the four major portions of the Woodfin/Neptune Project.

The RDEIR does not include information on the number of truck trips to be generated by Esprit II nor does it cumulative analyze the construction noise impacts, haul noise impacts and

vibration impacts from the Woodfin/Neptune Project, the Shores Project, the Venice Dual Force Main project and the Esprit II project.

Impact on Residents

The RDEIR states:

To mitigate construction noise, all construction activities would comply with the County of Los Angeles Noise Control Ordinance (Ordinance No. 11773).) so that construction noise would be limited to normal working hours when many residents in the Marina del Rey would be away from their homes.

The RDEIR fails to account for the unique demographic mix of residents in the unincorporated area of Marina del Rey as well as the City of Los Angeles portions on the west side of Via Marina. A larger than typical population of stay at home moms, retirees and entrepreneurs live in the Marina and do not leave the area during normal working hours. There is no study of resident travel patterns during a typical work day included in the DEIR or the RDEIR. Because of the significantly higher number of residents that stay in the area during the workday, further analysis is needed to measure the true noise impacts on residents and to develop further mitigation measures beyond what is included in the RDEIR.

Noise Levels

The Noise level data used for construction equipment (Table 5.2-5) and Vibration Source Levels (Table 5.2-6) are sourced from the EPA and the US Department of Transportation as standard measurements of noise levels. However, anyone who lives in Marina del Rey can attest to the fact that noise levels carry very easily in the Marina. Because of the unique layout of the marina and harbor and proximity to shoreline, wind tunnels from the fingers noise carries much more here. The RDEIR has not taken into account the specific nature and characteristics of noise in the Marina and therefore have not properly analyzed cumulative noise impacts.

Operation Noise Levels

Noise levels from hotel operations once the project is complete does not appear to be measured. Appendix 5.2 Noise Modeling uses the same “Assumed 24-Hour Traffic Distribution” for each project whether residential, wetland park, or hotel. There will be 24-hour noise impacts due to hotel visitors, delivery trucks, food service truck, refuse removal and employee trips which have not been reviewed or analyzed in this RDEIR.

Cumulative Truck Trips

The RDEIR states that for the entire Woodfin/Neptune project: “during the initial two months of demolition and excavation, as many as 284 truck trips would arrive to and leave the site daily. During the remainder of the project construction, the number of truck trips would range from 70 to 194 trips per day.”

The RDEIR fails to show cumulative truck trips for the Woodfin/Neptune project, the Shores Project, the Venice Dual Force Main project and Esprit II project. Without such information, it is impossible to analyze cumulative noise impacts.

Question on Noise Impacts

- 1) Does the haul route include Via Marina south of Marquesas?
- 2) Do the truck trip numbers for the Woodfin/Neptune project include construction of new sewer lines along Via Marina and Marquesas that are outside the project boundaries?
- 3) The DEIR states that there will be an "additional 3,104 daily vehicle trips to on local roadways situated proximal to the project site (1,017 trips from the Neptune Marina Apartments - Parcel 10R, 499 trips from the Neptune Marina Apartments- Parcel FF, and 1,588 trips from the Woodfin Suite Hotel and Timeshare Resort- Neptune Marina Parcel 9U. What types of vehicles and how many trips of each type do these numbers represent?
- 4) Construction worker traffic, which would be largely comprised of passenger vehicles and light pick-up trucks, would not represent a substantial percentage of peak hour volumes in the area and would not cause an audible increase in community noise levels. What is the percentage increase in peak hour volumes from construction workers traffic? How many workers and how many vehicles are expected on average for the project over the construction period?

3) VISUAL QUALITY

The RDEIR states on page 5.6-2:

Pursuant to Section 15162 of the State CEQA Guidelines, no new impact finding is required for this project as the height is the same as was contemplated in the LCP when amended. In essence, the Coastal Commission and the County, in discharging their CEQA obligations during the amendment process, elected to allow greater height at certain sites in exchange for larger view corridors.

However, § 21166 states that

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

Since the LCP was certified in 1996, a process which is deemed equivalent to the preparation of an EIR, new conditions exist on the ground in the Marina exist that could not have been known at the time the LCP was certified. These changes could impact the original decision to allow a

maximum height of 225 feet on this site as well as other potentially negative environmental impacts of this project.

These new conditions include:

- The designation of portions of parcel 9U as a wetland by the Army Corp. of Engineers
- The identification of ESHA sites in the Marina by the California Coastal Commission on January 9, 2008, including the nesting and roosting of the Great Blue Heron and the Great Egret and Snowy Egrets. One such site is located on the Northwest Passage and the main channel.
- The foraging of Great Egrets on the northerly portion of 9U observed by a member of the public during 2009 (see attached photo)
- the California Coastal Commission recommended during its LCP Periodic Review that Los Angeles County conduct a study of potential ESHA sites in the Marina. This study has not been performed.
- The designation by the State Department of Geology of the project site as being located in a high risk liquefaction zone.

In fact, during its Marina del Rey LCP Review, the California Coastal Commission recommended that Los Angeles County undertake a comprehensive update of its LCP because changes have occurred since the last certification and because the impacts of proposed projects need to be reviewed on cumulative basis.

Neither the DEIR nor the RDEIR analyze project, building height and visual impacts on existing and potential ESHA sites, on the flight path of the Great Blue Heron or Great Egrets, on the shade affects of the adjacent wetlands, on the liquefaction risk or on the stability of the project site to sustain a 19-story structure.

4) TRAFFIC

Why has the ambient growth changed from 2% in the 1991 DKS Traffic Study to the .6% used in the RDEIR traffic analysis?

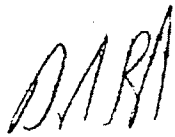
5) SOLID WASTE

Neither the DEIR nor the RDEIR summarize total export of cut and total import of fill cumulatively for the project (including changes from sewer lines) plus cumulatively to include the Shores project, the Venice Dual Force Main project and the Esprit II project. Without such analyses, the DEIR and the RDEIR are incomplete and cannot measure project and cumulative solid waste impacts.

6. CONCLUSION

Based on the above facts, comments, concerns and issues related to the Woodfin/Neptune Project and all Marina del Rey development, WAM urges Regional Planning to deny this project the Plan Amendments, all applicable permits, and deem the DEIR and the RDEIR insufficient in light of the overall piecemealing of the Marina Redevelopment Project (as stated in our October 28, 2008 comments letter). Additionally, we urge you to advise the Board of Supervisors to prepare an Environmental Impact Report for the overall Marina Redevelopment Project and adhere to the California Coastal Commission's recommendation to carry out a comprehensive LCP update in order to assess the overall environmental and social impacts of the Marina Redevelopment Project through a meaningful community planning process.

Together,
We ARE Marina del Rey



David Barish
Co-Director
davidb@wearemdr.com
www.wearemdr.com

The Wetlands Defense Fund and CLEAN (Coastal Law Enforcement Action Network) agree with these comments and intend on commenting further at public hearing(s) in the future. Please include Marcia Hanscom at these organizations in all future public notices at 322 Culver, #317, Playa del Rey CA 90293

July 27, 2009

Received 7/28/09

Mr. Michael Tripp
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Project R2006-03647 (Parcel 10R), Project R2006-03652 (Parcel FF),
Project R2006-03643 (Parcel 9U South), Project TR067861 6 (Parcel 9U North)
Project R2006-03644 (Basin Adjacent to Parcel 9U)
"Woodfin/Neptune Project" Recirculated Draft EIR
OPPOSE

Dear Michael,

Please accept this letter as an addendum to the comments submitted by my co-director, David Barish, along with my thanks also for the grace period you offered us.

There are several pertinent facts that are nowhere to be found in this Draft EIR (DEIR) and the Recirculated Draft EIR (RDEIR) sections--which I will collectively call the EIR. Since the DEIR public hearing was never completed, we still have the right to comment on those sections, whether it is acknowledged or not. This missing information is crucial to arriving at objective planning decisions. I also offer extensive comments on the discussion and analysis of impacts to essential community services, including water resources and wastewater treatment, which includes a critique of this EIR, which unhappily ranks below the worst I have ever seen.

I. Omissions:

A. Section 3.1 Overview.

- 1) The background/history on this parcel fails to disclose that the hotel project begun in 1981 was a failure because in the very early stages of construction, the foundation sank and the project was deemed unbuildable. I believe the project went bust but I do not have that fact (I am sure you can get it readily enough). That proposal was only a nine story structure spread over most of the lot. These are pertinent facts and material omissions from the analysis.
- 2) In the LCP Definitions section, development potential is clearly distinguished as potential only, with emphasis that it is NOT an entitlement to build to that potential. The applicant is not *entitled* to a project of this size. David sent you many well-documented reasons why less development should be considered and analyzed in addition to the ones here; it needs to be given serious planning consideration.
- 3) LCP §A.2.d. Recreational and Visitor-Serving Facilities - findings asserts that more demand for high end visitor-serving facilities, such as hotel rooms, has proven to be limited. Beverly Moore of the Visitor's Center (at a local hearing a couple years ago) said the overall occupancy rate of MdR hotels was 70%, and had never been above 70-75%. It has not improved since. Including this project, there are nevertheless 636 additional hotel rooms—most on the high end as hotels go—proposed for the Marina. Where is the objective analysis of this historic lack of demand? of the disproportionate accommodations for high-ticket recreation throughout the Marina? of the dearth of free and low cost recreation as mandated by House Document 389? Of the economic and social implications of this kind of development in the current County demographic?

- 4) Your project description forgets to mention that, in putting in the Woodfin visitor-serving docks on a “new” water parcel, it will be usurping space now occupied by other boats—and you need to disclose the number and size of the boats that will be displaced. 60’ and 40’ slips serve an elite segment of the visitor pool. Where is the balance???

B. **Section 4 Cumulative Projects:** The new mega-project being solicited for the Public Mast-Up Storage Lot, Public Launch Ramp, Visitor Center & Parking Lot and Dock 77 (Parcels 49S, 49R, 49M and 77, respectively) needs to be added to the cumulative projects list. It has been on the public record since May 12, 2009, allowing plenty of time to get it into this report. It will have an enormous impact on the cumulative water needs for the community and every other impact as well, as it will more than double the amount of proposed additional commercial/retail including restaurants in up to 135,000 square feet of building, up to 26,000 square feet of office, PLUS up to 255 additional residential units. Add in what you have in mind for the Cheesecake Factory Parcel and the remaining lots on Fiji while you’re at it. Anticipated development must be included—even if you don’t have an RFP for it yet. At some point, the County must own up to what it is doing to the Marina.

II. Section 5.8: Sewer

I found this section 5.9 to be particularly offensive. The entire Recirculated RDEIR is an inordinately difficult document to decipher, and for this reason alone it should be returned to Impact Sciences with explicit instructions to communicate all known findings, and present the changes in a clear, readable way. I have never seen such a jumble of mixed up plain, underline and strikeout text and numerals in the so-called “edits”. It does not serve the interests of either professional planners or the public to have information obscured in such a way. By way of example, below is Table 5.8-7, purportedly showing changes in wastewater generation.

I surmised that the “Net Project Total” refers to the Woodfin/Neptune Project (Project). The math on the new numbers is wrong. The subtotal for “related projects” is 553, 854; the total is 652,385. Only 10,000 gal/day off—could be a simple typo. The old math is also off: “related projects” subtotal is 534,538 (not even close!); the total is 665,238. Off by 11,892 gal/day. Not highly significant, on the face of it, but what if all 41 related projects shaved a similar amount from their totals?

Table 5.8-7
Cumulative Wastewater Generation
Proposed Project and Related Projects

Land Use	Net Units	Generation Factor ¹ (gal./day/unit)	Daily Generation (gal./day)
Related Projects			
Multi-Family ²	3,435 du	150/gal/unit	515,250
Commercial	32,098 sf	0.16800 gal/day/100	325,216 78
Restaurant ³	5946 sf	1.00 gal/day	5,946
Restaurant ⁴ Restaurant ⁵	163 100 seats	50 gal/seat	8,150 000
Office	9,908 sf	0.20800 gal/day/100	17,982 926
Subtotal:			522,543,646 854
Net Project Total:			13028,700 531
Total:			653,642,346 385

But wait. Table 5.8-2 reports the projected Project wastewater of 139,696. Not 130,700. Off by another 8,996 gal/day. So the figure from Table 5.8-7 is now off by 20,888 gal/day. That's an additional 7,624,000 gallons flowing into the system each year, just from this one Project. If only half the other projects jump on the bandwagon to stay "competitive", you'll have over 150 Million gallons of extra crap from this area alone. The Venice DFM project may not have a problem with that amount of overage (it may have to run both mains simultaneously), but what if all of the new projects that will feed it shave their numbers to look a little nicer or to stay below thresholds for their water districts? HTP is not adding nor planning to add capacity, and when we do get the stormy years, any overflows there come right back in our "front door," the Marina main channel. If people who cannot do basic arithmetic go unchecked, Hyperion might actually be running out of capacity now, and we are unprepared with additional capacity, there or anywhere else, when it happens. What would chronic sewage spills do to tourism in Southern California? to property values along our coast? to County tax revenues from those homes? To health care costs? To the desirability of LA County to the middle class backbone of our economy? A little goes a long way. And that "little" bit of additional sewage can do a heap of damage to the County general fund over the long run. It needs to be corrected—not talked about or "revised".

I won't bother you with more details or additional tedious examples from this section; if you have given this report the close scrutiny you are supposed to have done, you are aware of them; if not, another example probably will not convince you to care, or to do anything about it.

III. Section 5.9: Water Service

It is disappointing to see cavalier, cut-and-paste palaver and a concluding brush-off of the impacts instead of a timely, serious discussion of the realities of the water situation in the entire Southwestern US. It is a topic of monumental concern in the LA metropolitan area. All MdR-adjacent communities' Planning & Land Use Committees are giving much closer scrutiny to development projects proposed for their neighborhoods, with good reason: they care about the long-term welfare of their neighbors, and they trying to carefully plan for their community's continued prosperity by not killing the golden goose. Marina del Rey needs that.

Of the many steps enumerated in this section as responses to an actual water shortage, our MWD promises that the "last action [taken] will be the curtailment of firm deliveries to the member agencies.

- We are in a serious actual shortage now, with mandatory 15% cutbacks in water use by all current lessees.
- Where is the water *actually* going to come from for all of these new projects, specifically this Project? This EIR fails to seriously analyze the implications of the current extended drought conditions and climate change predictions, taken together, for potential development in the Marina.
- The facts of the current actual water alert needs to be included in this report, and a more responsible plan needs to be included in an actual proposal here to address specific measures that will address the problem instead of trusting to luck for a rainy winter.
- As an example, community-wide graywater landscaping needs to be planned. It cannot be done one building at a time, and capturing rainwater is a ludicrous bandaid approach considering our typical annual rainfall

IV: Comments/Concerns:

This EIR fails to objectively assess anything. It just points headlong toward a nineteen story hotel/timeshare, parking structure, four apartment buildings and two marinas that it hopes will house hundreds of people and their considerable personal investments, but it cannot substantiate unless wishing makes it so. Where is the discussion of the track record of some of the new redevelopment projects that have come on line in the last couple of years? What is the County's relative financial benefit including down-time, and how does that relate to where it might be if it chose instead to 'hardscape' a portion of the so-called "underutilized" parking lots and attract more use of the lots by providing something cheap and fun to for visitors to do - NOW? The County has "tagged" even very popular parking lots like Parcel IR with the "underutilized" slur; it is a bald-faced lie, but, like a gang-banger, it is a way putting a claim on someone else's turf. A similar claim regarding Parcel FF, which would be ideal for a park to serve the residential community of Marina del Rey and our many young children with a decent play area and a wetland that they could be involved with in the gentle, natural restoration process, watching it grow alongside themselves and learning so much in the process? And here's a thought: How about a school, so our young children won't have to be bused to wherever that "in lieu fee" will end up. Good communities have schools. Why did the County NOT do a new RFP proposal for this parcel after the first Hotel went down?

The EIR fails to do a candid analysis of whether a hotel is an appropriate land use at this location, or any other new location in the Marina given the fact that much of the parcel is wetland or obligate wetland area. There needs to be an assessment of alternative proposals. How about a discussion of whether an eco-hotel and hostel (youth and/or senior) would be a better fit for this wetland area; it could be small and unobtrusive, respect the 100' upland buffer required by the Coastal Commission, help to balance the overabundance of high-priced accommodations, have a few sites for tents, fit nicely into the quiet residential neighborhood that the County insisted go here instead of campgrounds, soccer fields, build-it-yourself boatyards, maritime museums or dance pavilions we once dared to dream about.

The EIR as a poor planning document. I have no tactful way to say it, the RDEIR looks as if an illiterate created it, and there are no mitigations for its lack of professionalism. Nevertheless, we have done our best to give you our candid assessment of its contents. (You owe me at least 2 Advil.)

Conclusion: This Project is the wrong project at the wrong locations at the wrong time. We respectfully We request that the Regional Planning Commissioners direct staff to reject this EIR as unacceptable and send it back for complete recirculation under State CEQA Guidelines Section 15088.5(a)4, "so fundamentally and basically inadequate and conclusory in nature that *meaningful* public review and comment were precluded."

Thank you for your consideration.

Together,
We ARE Marina del Rey

Nancy Vernon Marino
Co-director

Attachment 5

List of speakers who at the October 28, 2008 hearing registered to speak on Project Nos. R2006-03643 and R2006-03644, but due to time constraints were unable to testify.



REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
OF LOS ANGELES COUNTY

DATE 10/29/08 AGENDA ITEM No. 10a

FAVOR ☒ OPPOSE/CONCERN ☐

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PUBLIC COMMENT ☐
AGENDA ITEM

OTHER ☐

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CULBERTSON
LAST NAME

ANDI
FIRST NAME

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805-688-5327
TELEPHONE NUMBER

Summary of your position on this matter (optional)

I represent the Department of Beaches + Harbors, co-applicant, on Coastal Commission matters.

☐ Check here if you would like to receive notification of future actions on this item.

☐ Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.



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DATE 10/29/08 AGENDA ITEM No. 10

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Summary of your position on this matter (optional)

Waterfront Consultant for Applicant

☐ Check here if you would like to receive notification of future actions on this item.

☐ Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.



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- -

TELEPHONE NUMBER

Summary of your position on this matter (optional)

☐ Check here if you would like to receive notification of future actions on this item.

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AGENDA ITEM

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KAUFMAN N
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STEVEN H.
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Summary of your position on this matter (optional)

☒ Check here if you would like to receive notification of future actions on this item.

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MCEACHERN
LAST NAME

SEAN
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949-930-7706
TELEPHONE NUMBER

Summary of your position on this matter (optional)

☐ Check here if you would like to receive notification of future actions on this item.

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REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
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DATE 10/29/08 AGENDA ITEM No. 10a

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AGENDA ITEM

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BOMKAMP
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TELEPHONE NUMBER

Summary of your position on this matter (optional)

CONSULT in attendance to
Answer Technical questions
Re: Biology/wetlands

☐ Check here if you would like to receive notification of future actions on this item.

☐ Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.



REQUEST TO ADDRESS

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OF LOS ANGELES COUNTYFAVOR ☒ OPPOSE/CONCERN ☐☒ APPLICANTPUBLIC COMMENT ☐
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C I A R K

LAST NAME

A A R O N

FIRST NAME

A r n b r n s t e r & G o l d s m i t h

ORGANIZATION (IF APPLICABLE)

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STREET ADDRESS

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EMAIL ADDRESS

3 1 0 - 2 0 9 - 8 8 0 6

TELEPHONE NUMBER

Summary of your position on this matter (optional)

In Support

☒ Check here if you would like to receive notification of future actions on this item.☐ Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.



REQUEST TO ADDRESS
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RIZZO
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JOHN
FIRST NAME

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Marmia Cl. Bldg CA 90292
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310-581-1928
TELEPHONE NUMBER

Summary of your position on this matter (optional)

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REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
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DATE 10/28/08

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PUBLIC COMMENT ☐
AGENDA ITEM

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NAHHAS

LAST NAME

STON

FIRST NAME

LAMAR, NER.COM

ORGANIZATION (IF APPLICABLE)

STREET ADDRESS

CITY

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EMAIL ADDRESS

TELEPHONE NUMBER

Summary of your position on this matter (optional)

☐ Check here if you would like to receive notification of future actions on this item.

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REQUEST TO ADDRESS

THE REGIONAL PLANNING COMMISSION
OF LOS ANGELES COUNTYDATE 10/29/08AGENDA ITEM No. 10FAVOR ☐ OPPOSE/CONCERN ☒☐ APPLICANTPUBLIC COMMENT ☒
AGENDA ITEMOTHER ☐

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B E S S E T T E

LAST NAME

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FIRST NAME

M A R I N A B O A T O W N E R S A S S O C

ORGANIZATION (IF APPLICABLE)

P O B O X 9 6 9 8

STREET ADDRESS

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EMAIL ADDRESS

TELEPHONE NUMBER

Summary of your position on this matter (optional)

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G O T T L I E S

LAST NAME

D A N I E L

FIRST NAME

ORGANIZATION (IF APPLICABLE)

3 5 1 6 V I A D O L C E

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M A R I N A D E L R E Y

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EMAIL ADDRESS

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TELEPHONE NUMBER

Summary of your position on this matter (optional)

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M A R I N O

LAST NAME

N A N C Y V E R N O N

FIRST NAME

ORGANIZATION (IF APPLICABLE)

STREET ADDRESS

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TELEPHONE NUMBER

Summary of your position on this matter (optional)

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DATE ___/___/___

AGENDA ITEM No. 19

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ETTER

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HA WJ

FIRST NAME

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2554 W Lincoln blvd

STREET ADDRESS

Venice

CITY

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EMAIL ADDRESS

TELEPHONE NUMBER

Summary of your position on this matter (optional)

☐ Check here if you would like to receive notification of future actions on this item.

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M I L L E R, E R I C
LAST NAME

R I C H A R D
FIRST NAME

C O A L I T I O N TO S A V E T H E M A R I N A
M A R I N A S T R A N D C O L O N Y I
ORGANIZATION (IF APPLICABLE)

4 2 5 0 V I A D O L C E # 2 2 2
STREET ADDRESS

M A R I N A D E L R E Y 9 0 2 9 2
CITY ZIP CODE

R T M 1 5 5 @ A O L . C O M
EMAIL ADDRESS

8 1 8 - 8 9 5 - 8 2 3 4
TELEPHONE NUMBER

Summary of your position on this matter (optional)

opposed to entire Development of lots 94/10 based on
wide Spectrum of environmental effects of Development.
Significant impacts are admitted. Also, complete lack of
comprehensive planning for MDR re cumulative impact.

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DATE ___/___/___

AGENDA ITEM No. 8

FAVOR ☐ OPPOSE/CONCERN ☐

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BRASCH
LAST NAME

SILDA
FIRST NAME

ORGANIZATION (IF APPLICABLE)

PO BOX 652
STREET ADDRESS

Pacific Palisades CA 90272
CITY ZIP CODE

EMAIL ADDRESS

310-291-1195
TELEPHONE NUMBER

Summary of your position on this matter (optional)

☒ Check here if you would like to receive notification of future actions on this item.

☐ Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.



REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
OF LOS ANGELES COUNTY

DATE ___/___/___

AGENDA ITEM No. 10

FAVOR ☐ OPPOSE/CONCERN ☐

☐ APPLICANT

PUBLIC COMMENT ☐
AGENDA ITEM

OTHER ☐

THE INFORMATION BELOW IS REQUIRED. ALL FUTURE CORRESPONDENCE WILL BE SENT USING THE INFORMATION YOU PROVIDE HERE.

---PLEASE PRINT CLEARLY---

DAVID
LAST NAME

BARISH
FIRST NAME

ORGANIZATION (IF APPLICABLE)

PO BOX 9096
STREET ADDRESS

CITY

MDR, CA

ZIP CODE

90295

EMAIL ADDRESS

~~BARISH~~ INFO@WEAREMDR.COM

TELEPHONE NUMBER

~~310~~ 310 291-1195

Summary of your position on this matter (optional)

☒ Check here if you would like to receive notification of future actions on this item.

☐ Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.



REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
OF LOS ANGELES COUNTY

DATE 10/29/08

AGENDA ITEM No. 10

FAVOR ☐ OPPOSE/CONCERN ☒

☐ APPLICANT

PUBLIC COMMENT ☒
AGENDA ITEM

OTHER ☐

THE INFORMATION BELOW IS REQUIRED. ALL FUTURE CORRESPONDENCE WILL BE SENT USING THE INFORMATION YOU PROVIDE HERE.
---PLEASE PRINT CLEARLY---

LEWINS
LAST NAME

LLOYD
FIRST NAME

ORGANIZATION (IF APPLICABLE)

4250 V. A. DOLCE #220
STREET ADDRESS

MARINA DEL REY
CITY
90292
ZIP CODE

llewins5896eca.rr.com
EMAIL ADDRESS

310-823-5896
TELEPHONE NUMBER

Summary of your position on this matter (optional)

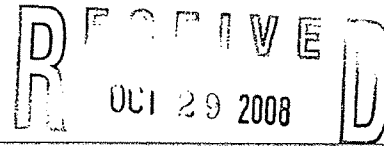
☒ Check here if you would like to receive notification of future actions on this item.

☐ Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

Attachment 6

Documents submitted by the public at the October 29, 2008 hearing.

From: firooz pak <firoozpak@yahoo.com>
To: info@wearemdr.com
Subject: opposition to development of MDR
Date: Mon, 27 Oct 2008 2:36 pm



To whom it may concern,

I have been a resident of Marina del Rey for the past 7 years, and I am dismayed to learn about the current development projects in the marina del rey area. As it is, there have been significant additions to the building/units in the area. Witness: redevelopment of Marina Harbor on Bora Bora way, with replacement of large grassy areas with a monstrosity of building. There is significant congestion and especially noise pollution by the motor traffic (including trucks and motorcycles).

Parcel 9U would best be served by converting into a green area for the use of community, not a 19-story hotel. These developments are in violation of various zoning and planning laws and will adversely impact the comfort and safety of the residents of marina del rey without any tangible benefits.

Please strongly reconsider these development plans.

Sincerely,
Firooz Pak

From: Libbe Murez <mslib@ca.rr.com>

To: info@wearemdr.com

Subject: woodfin

Date: Tue, 28 Oct 2008 11:43 am

Michael Tripp
Department of Regional Planning
Room 1362
320 West Temple St.
L.A. CA 89912

RECEIVED
OCT 29 2008
REGIONAL PLANNING COMMISSION

Libbe Murez
3852 via Dolce
Marina del Rey, Ca 90292

Dear Mr. Tripp:

I hope you will oppose the 19 story Woodfin Hotel/Timeshare and new Neptune Marina Apartments proposed for parcels 10,FF, and 90. The height of the Woodfin is not appropriate for our area, and timeshares and private development are not allowed by our planning laws.

High priced apartments are not needed in our marina. What is needed is a valid master plan, an overall EIR, and an LCP update before any projects are approved to allow for assessment of impacts on our community.

I moved into the Marina from Beverly Hills in 1970 because it was a unique area and I hate to see it ruined by developers.

I am looking forward to meeting you at the public hearing Oct. 29

Libbe Murez

Information from ESET NOD32 Antivirus, version of virus signature database 3563 (20081028)

The message was checked by ESET NOD32 Antivirus.

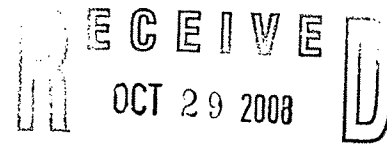
<http://www.eset.com>

We ARE Marina del Rey

P.O. Box 9096, Marina del Rey, CA 90295

October 28, 2008

Mr. Michael Tripp
Acting Director
Department of Regional Planning
320 West Temple Street, Room 1362
Los Angeles, CA 90012



REGIONAL PLANNING COMMISSION

Re: OPPOSITION COMMENTS: Project R2006-03647, Project R2006-03652, Project TR067861, Project R2006-03643 and Project R2006-03644 (together the "Woodfin/Neptune Project") and COMMENTS on combined Draft Environmental Impact Report - Neptune Marina Apartments And Anchorage/Woodfin Suite Hotel And Timeshare Resort Project ("DEIR")

Dear Mr. Tripp:

We ARE Marina del Rey ("WAM") strongly urges the Department of Regional Planning to reject the projects listed above, to deny all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances, Parking permits and Tentative Tract Map No. 067861 based on the following issues and comments on the projects and the DEIR.

A. Piecemealing CEQA/Overall Marina wide EIR

We ARE Marina del Rey ("WAM") believes that Los Angeles County ("County") is piecemealing the redevelopment of Marina del Rey in violation of state law, including the California Coastal Act ("Coastal Act") and the California Environmental Quality Act ("CEQA"). County has admitted on the record and it is widely known, that County intends to redevelop Marina del Rey (the "Marina Redevelopment Project"). This "Marina Redevelopment Project" constitutes "a project" under CEQA. According to Public Resources Code § 21065, a project is defined as the whole of an action, which has a potential for resulting in either a direct physical change in the environment.

The Marina Redevelopment Project consists of all the County's individual developments within Marina del Rey now making their way through the public approval process (Fisherman's Village, Mother's Beach, Western Marina residential complexes, etc). County is dividing "the Marina Redevelopment Project" into smaller redevelopment projects (e.g. the projects cited above) in order to reduce and hide the environmental impact of the "Marina Redevelopment Project." Therefore, County is piecemealing the "Marina Redevelopment Project," in violation of CEQA. California Supreme Court case law holds that the County cannot "hide" the redevelopment project from the public by breaking the Marina Redevelopment Project into little parts, and the County's behavior – actions and words - confirms there is "a Marina Redevelopment Project."

The California Coastal Commission stated during its Local Coastal Program (the "LCP") Periodic Review hearing on January 9, 2008, that County is piecemealing projects and that this is bad planning. They strongly recommended (said recommendation reaffirmed on October 16,

2008), that County should do a comprehensive LCP update amendment of anticipated future development that includes all pending project driven amendments, fulfillment of Asset Management strategies and other facilities identified through a community planning process. The intent behind this recommendation was:

“Well, I think it is apparent that if LCP amendments are pursued on an individual basis, project by project, that the cumulative impacts, and the coordinated efforts will be very difficult for the community, for the County, and for this Commission to understand.” - Commissioner Kinsey, LCP Review Hearing, January 9, 2008

An Environmental Impact Report should be prepared for the whole “Marina Redevelopment Project” should be County’s highest obligation to determine the overall environmental impacts of all projects in the Marina. County argues that the LCP is the functional equivalent of an EIR per CEQA § 21080.5 because it is a certified program, a position WAM does not share. However, instead of following the LCP for Marina del Rey, which County considers to be the functional equivalent of an EIR, County is implementing a slate of redevelopment projects contained in its *Marina del Rey Asset Management Strategy* (“AMS,” April 15, 1997, which is not part of the Certified LCP). The projects, including Project R2006-03652 (apartment units on Parcel FF, a public parking lot) and Project TR067861 (the 19-story hotel and timeshare suites – more on this inconsistency follows below) and the document itself are not in conformity or consistent with the Marina del Rey Certified LCP. Additionally, the AMS has not been reviewed or approved by the California Coastal Commission and has no regulatory or legal standing.

Public Resources Code § 21080.5 and CEQA Guideline also state that a “certified program” remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible. Therefore, even if the LCP were the functional equivalent of an EIR, County must still review the overall impacts of the “Marina Redevelopment Project.”

The DEIR states that it is a “project EIR, and therefore, can use environmental information from the Certified LCP. DEIR, page 8 of Section 2.0 Introduction, reads:

The scope of the analyses in this project EIR also relates to the environmental analyses contained within the Local Coastal Program (LCP). LCPs are Certified Regulatory Programs and as such are exempt from CEQA pursuant to CEQA Section 21080.5. Because the Coastal Commission’s consideration and certification of an LCP is the functional equivalent of an EIR, any environmental impact determinations and analysis of the CCC within the LCP are pertinent to and may be incorporated within the scope of the impact discussion in the project EIR where such analyses are sufficiently complete for that purpose. Therefore, where appropriate, reference will be made to the prior environmental analysis to the extent such analysis obviates the need for further discussion of an environmental issue within the meaning of Section 21166.

The land use changes accommodated in the 1996 certified Marina LCP, inclusive of the provision of view corridors of the harbor to accommodate taller structures, complied with CEQA as provided in Public Resources Code Section 21080.5 and Coastal Act Sections 30500 through 30522 because the LCP certification process involves the functional environmental analysis equivalent to that required by CEQA. (bold emphasis added)

However, because projects, including Project R2006-03652 and Project TR067861, are not in conformity with the LCP, the environmental impacts of said projects would not have been contemplated or analyzed in the 1996 certification of the Marina del Rey LCP. Therefore the LCP as a functional equivalent to an EIR provides an insufficiently incomplete analysis vis-à-vis the projects in this DEIR, and the reliance on the environmental provisions of the LCP in relation to these projects problematic. Additionally, as stated above, a “certified program” still remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible.

Another area where reliance on the environmental analysis of the LCP is seriously flawed involves ESHA. This DEIR does not reflect the changes on the ground to the environment since the LCP was certified in 1996. The DEIR states on page 44 of Section 5.5 Biota:

The Marina del Rey Local Coastal Plan does not designate any environmentally sensitive habitat areas (ESHA), and none is recognized within the project site. Accordingly, no significant, adverse impacts will result from the project.

However, on January 9, 2008 (reaffirmed October 16, 2008), the California Coastal Commission determined parts of Marina del Rey contain ESHA, and therefore, recommended that County, as part of the overall LCP update amendment, add ESHA findings and provisions to the Marina del Rey LCP, in conformance with the Coastal Act and that County carry out a survey to determine if there are additional ESHA sites in Marina del Rey. For example, in close proximity to the instant Project Site (parcels 9U, 10R and FF) is a great blue heron rookery at Mariners Village. This DEIR provides no analysis of the potential environmental impacts of the Woodfin/Neptune Project on these ESHA sites or potentially unidentified ESHA sites. Therefore, in relation to ESHA, this DEIR is substantially incomplete.

B. Inconsistencies with Certified Land Use Plan (“LUP”) and Plan Amendments

Although the DEIR states otherwise, there are a number of major inconsistencies and lack of conformity to the Certified LCP with regards to Project R2006-03652 (apartment units on Parcel FF, a public parking lot) and Project TR067861 (the 19-story hotel and timeshare suites).

A 19-story structure, while permitted on Parcel 9U, is significantly out of context to its surroundings. The usurpation of public parking lots for private development is also inconsistent with the LUP.

Page 5 of the DEIR Executive Summary states "Intensification of development within Marina del Rey is authorized in the certified Local Coastal Program (LCP)." However, it cannot be emphasized enough that the LUP states that just because development units are allocated and uses allowed does not entitle such use. Development Potential is defined in the LUP (page i-4 to i-5) as:

Specific types of land uses and the maximum intensity of development that may be permitted on a specific parcel or sub-parcel as established by text policy or shown by land use category on policy maps. The actual development that may be granted on any given parcel is subject to constraints, limitations and conditions, applicable at the time of application, that may be imposed during a public hearing process, culminating in the granting of a Coastal Development Permit. Development potential, by itself, does not establish any right or entitlement to a specific development project.

Public Parking Lots

The Land Use Plan (LUP) Section A2.e.12 states that NO public parking lots, including parcel FF, SHALL be converted to uses other than public parking or public park purposes. That is why Project R2006-03652 requires an LCP Amendment. However, in the analysis section A2.c, the LUP states that a park would be contemplated for Parcel FF. So the analysis and final adopted policies forbid development on parcel FF other than a public park or public parking lot.

Page 6 of the DEIR Executive Summary states that Parcel FF is developed as an underutilized surface parking lot with approximately 200 parking spaces. However, there is no mention that Parcel FF was partially closed (over 50% of the parcel) for years and occupied illegally by Doug Ring and his Esprit project (Parcel 12). The Coastal Commission, on January 9, 2008 in its Staff Report (W10-a) recommended (#19) that the County "analyze the total pattern of public serving and park uses in the Marina" before converting public parking to private use. This DEIR does not present such analysis and is therefore incomplete.

Timeshare not contemplated by LCP

County has determined that Project TR067861 does not require an LCP Amendment. However, this proposed finding is inconsistent with the Coastal Commission staff's determination and therefore is not supportable in law or fact. For example, in a letter dated April 27, 2007, in response to the NOP of the Woodfin/Neptune Project, Coastal Commission staff stated that an LCP Amendment would be required. Additionally, in LCP Amendment 1-01, on page 20 of the Coastal Commission staff report, *Table 3.0 Lease Negotiation Parcels* lists Parcel 9, 20-story vacation time share of requiring an LCP amendment. Finally, a Coastal Commission Memorandum dated December 26, 2006 on Condominium Development in the Coastal Zone, states:

"condo-hotel projects and other limited use/fractional ownership hotel proposals should not be considered unless the applicable LCP specifically allows such development. In the absence of specific LCP provisions allowing such projects, the local government should prepare and submit an LCP amendment for Commission review."

We ARE Marina del Rey

P.O. Box 9096, Marina del Rey, CA 90295

The Certified LCP for Marina del Rey is silent on timeshares. Nowhere in the LCP are timeshares contemplated. The argument made in the DEIR that timeshare use was the equivalent of hotel units is baseless. If there was no difference, there would not be two completely separate land use designations. Based on this fact alone, Project TR067861 should be rejected as no LCP amendment has been proposed by County.

Transfer of Development Units Between Development Zones

The Marina del Rey LUP specifically states that development units may not be transferred between zones (Section C.8). The argument that precedence now exists because Parcel 20 was granted a transfer of development units for that specific parcel only as part of LCP Amendment 1-01 is also baseless. Instead of changing the LCP through amendment to allow transfer of development units, County has created the exception and is now making it the rule. This is another form of piecemeal development that obviates the planning law. When the LCP as written suits County, they quote the LCP. When it does not, they make exceptions to the rules without officially changing the rules.

Parcel 9U Wetland Status

The southern portion of Parcel 9U, where Project No. R2006-03643 is to be constructed was designated a wetland by the Army Corp of Engineers in 2001. LUP Policy B.4.e.1 states:

"The existing wetlands, including the flood control basin in parcel PP, the Marina waters, and the Ballona Creek flood control channel are the marine resources which shall be maintained, and where feasible, enhanced and restored. Uses permitted in or adjacent to these areas shall be carried out in a manner to protect the biological productivity of these marine resources and maintain healthy populations of marine organisms."

Although the southern portion of Parcel 9U was designated as wetland in 2001, the wetland was in existence at the time of the 1996 LCP Certification.

The Marina as a Small Craft Harbor

Further evidence that the Woodfin/Neptune Project is not consistent with the LCP and should be denied exists in the Marina del Rey LUP. Section A.2.d states:

"A strong demand exists for new lower-cost recreational opportunities in the LCP area such as restaurants, waterfront parks, pedestrian/bicycle paths, and for improved transit to such opportunities, whereas demand for more expensive visitor-serving facilities, such as hotel rooms, has proven to be limited."

The LUP further states C.8.e.1:

The primary purpose of the Land Use plan shall be to maintain Marina del Rey as a Small Craft Harbor for recreational purposes. A secondary purpose shall be to promote visitor-serving uses.

The LUP further states (C.8.e.8):

"Coastal Housing not a Priority."

C. Issues/Comments On DEIR

DEIR Executive Summary

The introduction includes a number of misleading statements and leaves out important issues as follows:

- The DEIR does not discuss the fact that the Coastal Commission states that a Plan Amendment is required for Project # TR067861.
- Page 7 includes the following statement: "A structure height of 75 feet is consistent with height provisions defined in the LUP, the recently approved 'The Shores' project on the adjacent Parcels 100 and 101, and the recently constructed apartments on the adjacent Parcel 12. This DEIR fails to state that "The Shore" project was no longer approved and that all permits were rescinded.

Traffic

One of the major mitigations cited to deal with traffic impacts in the DEIR is the improvement at the intersection of Via Marina and Admiralty Way that will enhance traffic flow between Admiralty Way and Via Marina south of Admiralty Way within the Marina, reducing the northbound right-turn traffic volumes on Via Marina at Washington Boulevard as specified in the TIP. However, it should be noted that this project has not been approved or funded at this point in time. And this DEIR relies heavily on this traffic mitigation factor. Therefore, we urge the Regional Planning Commission to remove this mitigation option from the analysis and to re-determine the impacts on traffic for the overall Woodfin/Neptune Project.

Construction Impacts

Firstly, the DEIR is missing a significant proposed project in Marina del Rey, the Venice Dual Force Main Sewer project that contemplates a 32-month project that will include a long strip of Via Marina from Marquesas Way to the Breakwater as part of the new underground sewer line. This project, which is anticipated to commence in August of 2010 will significantly short-term construction related impacts on the Marina del Rey community and will coincide with the planned construction dates of the Woodfin/Neptune Project.

Additionally, this DEIR does not detail the construction timelines and impact analysis of other nearby Marina del Rey proposed projects that will, if approved, most likely be constructed concurrently with the Woodfin/Neptune Project.

Therefore, this DEIR, in leaving out the Venice Dual Force Main Sewer project and construction timelines of other nearby proposed projects, fails to fully analyze the overall and project short-term construction impacts on the community and the environment.

We ARE Marina del Rey

P.O. Box 9096, Marina del Rey, CA 90295

Alternative Projects

WAM finds the following reason for passing on Alternative #5 as baseless.

"Alternative 5 would not meet the project objectives as fully as the proposed project in that with the provision of fewer residential units less affordable housing would be incorporated into the proposed project. Additionally, with the construction of fewer hotel and timeshare units, fewer visitors would be served by the project."

The loss in affordable housing and fewer visitors being served by the project does not outweigh the lessened environmental impacts that would be gained by Alternative #5. This project would certainly lessen low-cost recreational visitor serving uses which is a priority. See comments above on the Marina as a Small Craft Harbor that details what priorities are in the Marina.

D. Conclusion

Based on the above facts, comments, concerns and issues related to the Woodfin/Neptune Project and all Marina del Rey development, WAM urges Regional Planning to deny this project the Plan Amendments, all applicable permits, and deem the DEIR insufficient in light of the overall piecemealing of the Marina Redevelopment Project. Additionally, we urge you to advise the Board of Supervisors to prepare an Environmental Impact Report for the Marina Redevelopment Project and adhere to the California Coastal Commission's recommendation to carry out a comprehensive LCP update amendment in order to assess the overall environmental and social impacts of the Marina Redevelopment Project through a meaningful community planning process.

Together,
We ARE Marina del Rey



David Barish
Nancy Vernon Marino
Directors
info@wearemdr.com
www.wearemdr.com

From: judy barnes <randyjudy@verizon.net>

To: info@wearemdr.com

Subject: Woodfin

Date: Mon, 27 Oct 2008 4:54 pm

Michael Tripp
Department of Regional Planning
Room 1362
320 W. Temple St.
L.A., CA 90012

Judith M. Barnes
306 Bora Bora Way, #301
Marina Del Rey, CA 90292

RECEIVED
OCT 29 2008

REGIONAL PLANNING COMMISSION

Dear Mr. Tripp;

I urge you to oppose the 19-story Woodfin Hotel/Timeshare and new Neptune Marina Apartments proposed for Parcels 10, FF, and 9U. The height of the Woodfin is not appropriate for our area, and timeshares and private development are not allowed by our planning laws.

Recently the Esprit Apartments were completed on Marquesas Way. Have you checked their vacancy rate? I suspect it's very high. Marina Del Rey doesn't need more high-priced apartments. What it needs is a master plan, an overall EIR, and an LCP update before any projects are approved to allow for assessment of impacts on our community. This area is too unique and precious to be developed piecemeal.

I hope to see you at the public hearing Oct. 29.

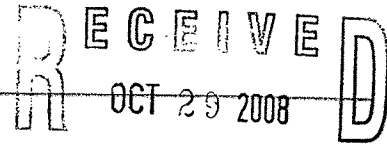
Judith M. Barnes

From: Zorianna Dombchewsky <zrdombchewsky@yahoo.com>

To: info@wearemdr.com

Subject: MDR Project- Via Marina/ Tahiti

Date: Mon, 27 Oct 2008 2:13 pm



TO: THE REGIONAL PLANNING COMMISSION

REGIONAL PLANNING COMMISSION

I am a concerned, long-time resident of Marina del Rey - in fact, I have lived here at Neptune Marina for about 25 years. I have witnessed many changes, and quite honestly, its been very disheartening and frustrating.

> The enjoyment of community living has been on quite a down slide. The area has become so transient oriented and commercial that its a battle for residents to feel like its home.

> Do you know what its like to try to get out of the Marina with this traffic to go to work, come home, or just get to the freeway??? Or just get around? Its ridiculous! There is no infrastructure to support this kind of traffic.

> And once the area is "built up" with all the additional high rises (and the 2 that were built on Marquesas are still barely occupied- almost pitch black when I went out walking - why build more high rises?) and hotels, forget about just daily traffic concerns... because in the event of emergency, we're all dead & bottle necked on top of each other. What's the evacuation plan with this kind of occupancy??? The liquefaction issue/potential is another fact in itself. Its not just an "if" concern - its when and how to address it.

> The environment is polluted and it doesn't take a rocket scientist to see that. I was an environmental underwriting with AIG for over 8 years(1995-2003), and when I would go walking along the beach you used to be able to find even abalone shells. Not any more. I have not, nor will I dunk my toes in these waters! Then there are the Marina waters themselves and I know that visuals speak best for themselves - enough said.

>LA County seems to be quilting and band aiding what's the master plan?

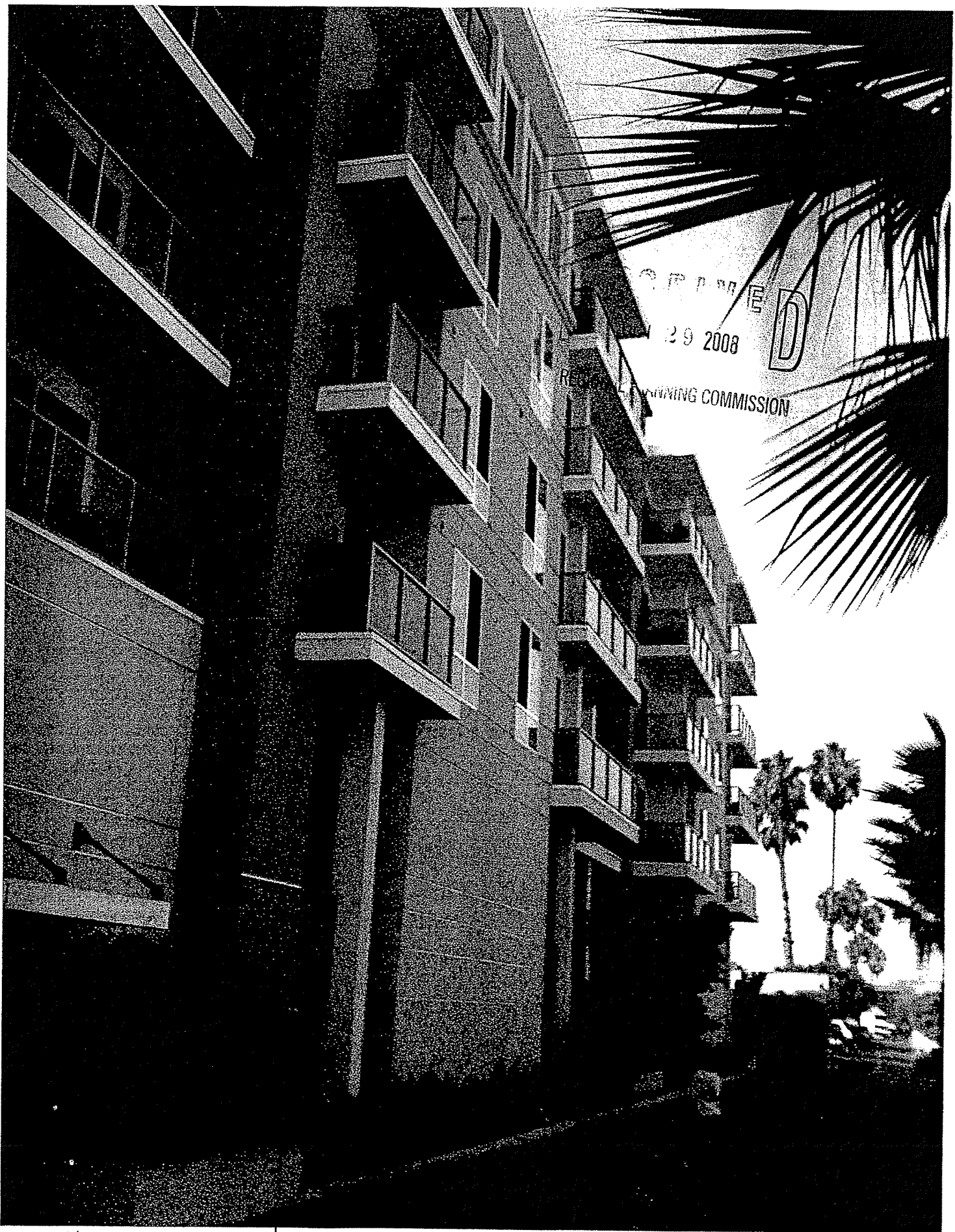
>What about an overall EIR and an LCP Update before any projects are approved in order to asses impacts on the community.

>Is not time sharing and private development contrary to the planning laws?

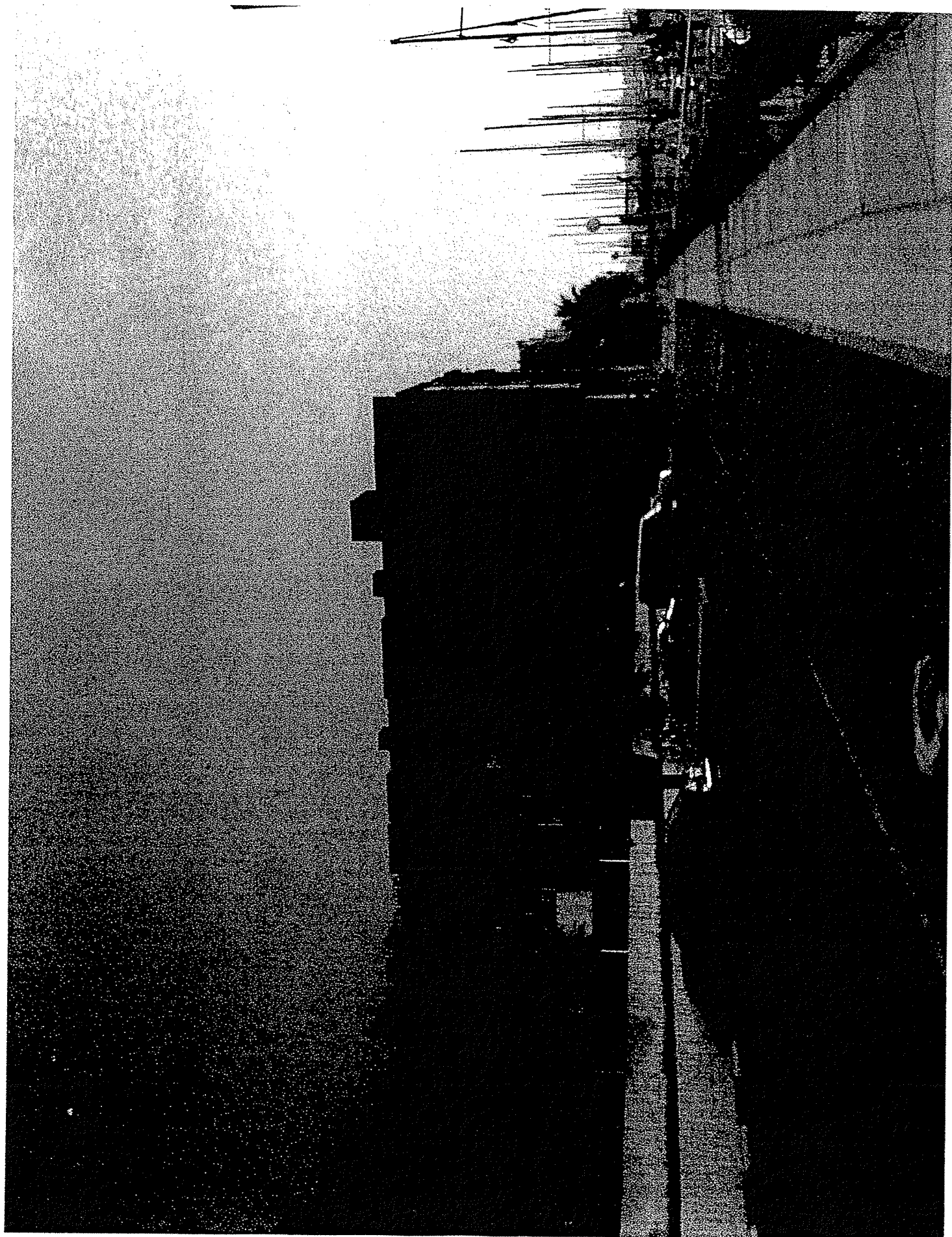
As you know, "greed & crash" is not a monopoly item to nor particular just to Wall Street.

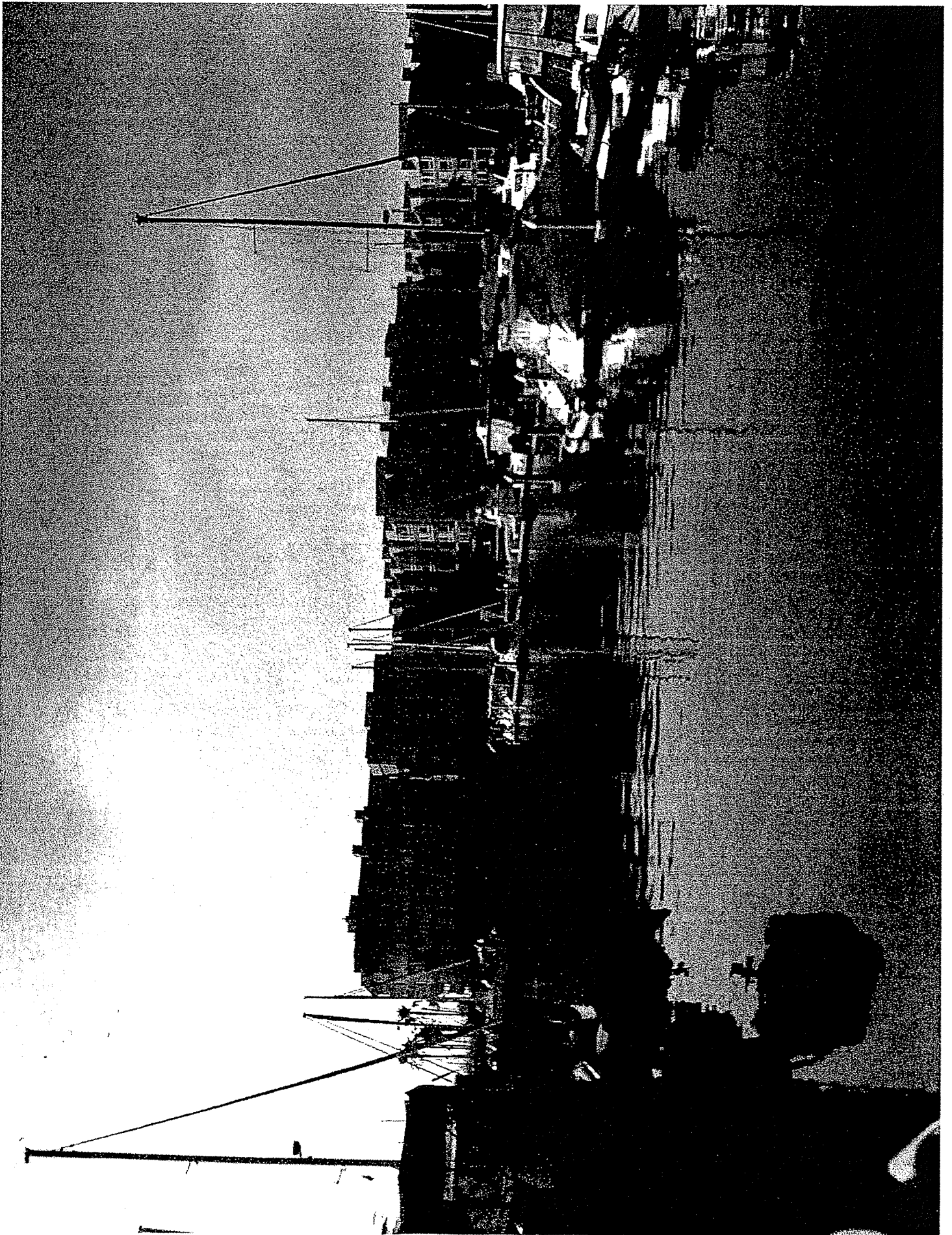
Thus my question to you is - what are you going to do about it?

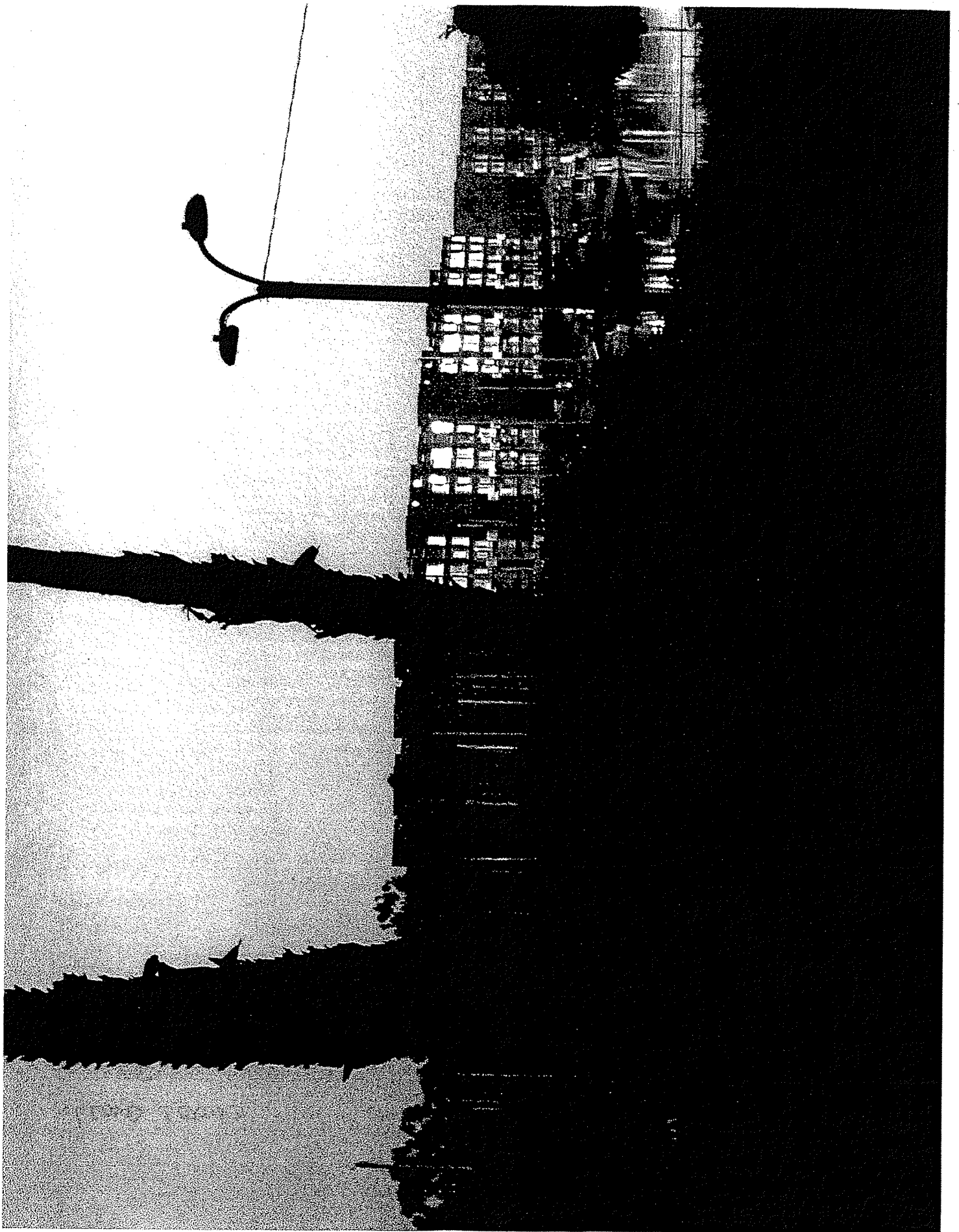
Sincerely,
Zorianna Dombchewsky

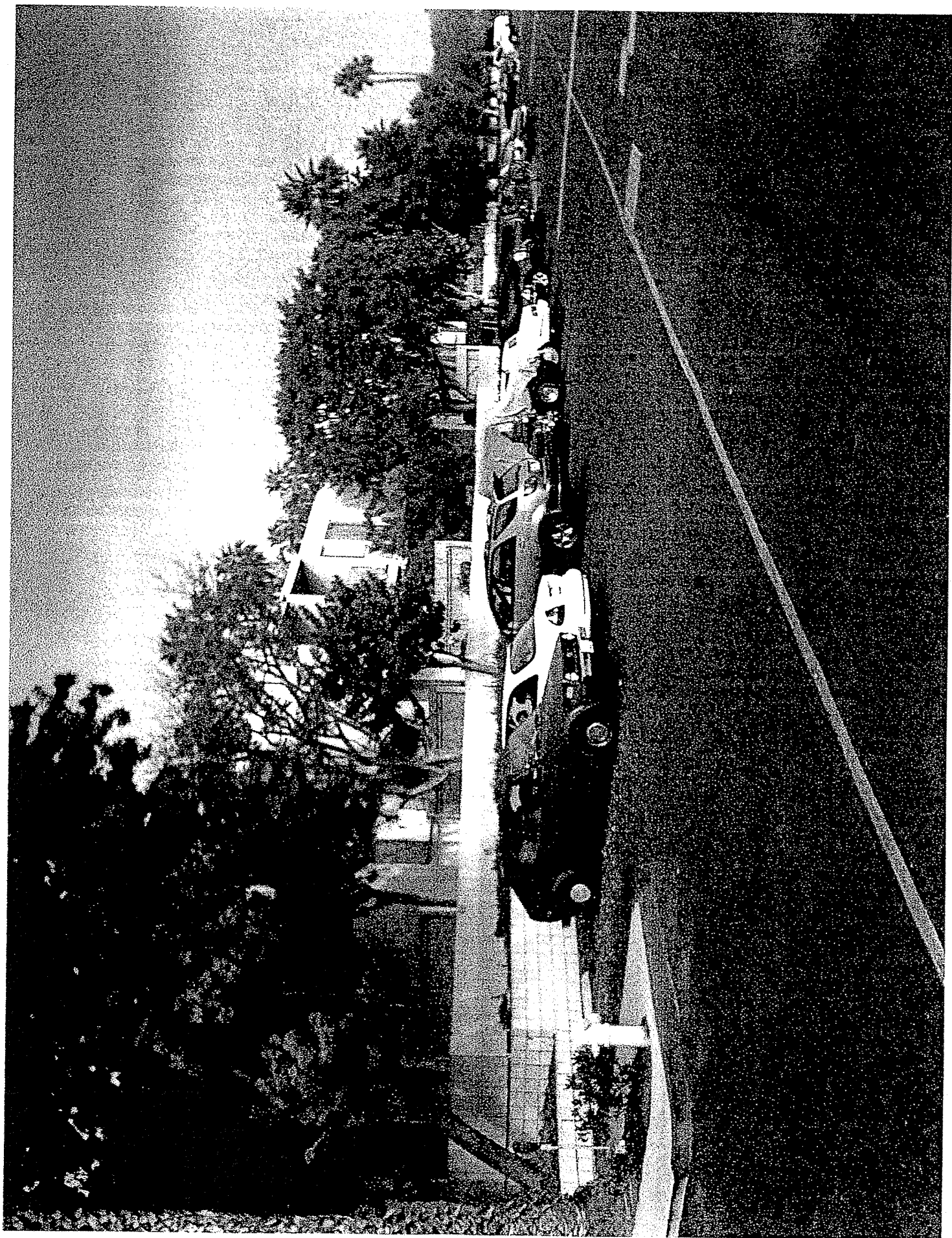


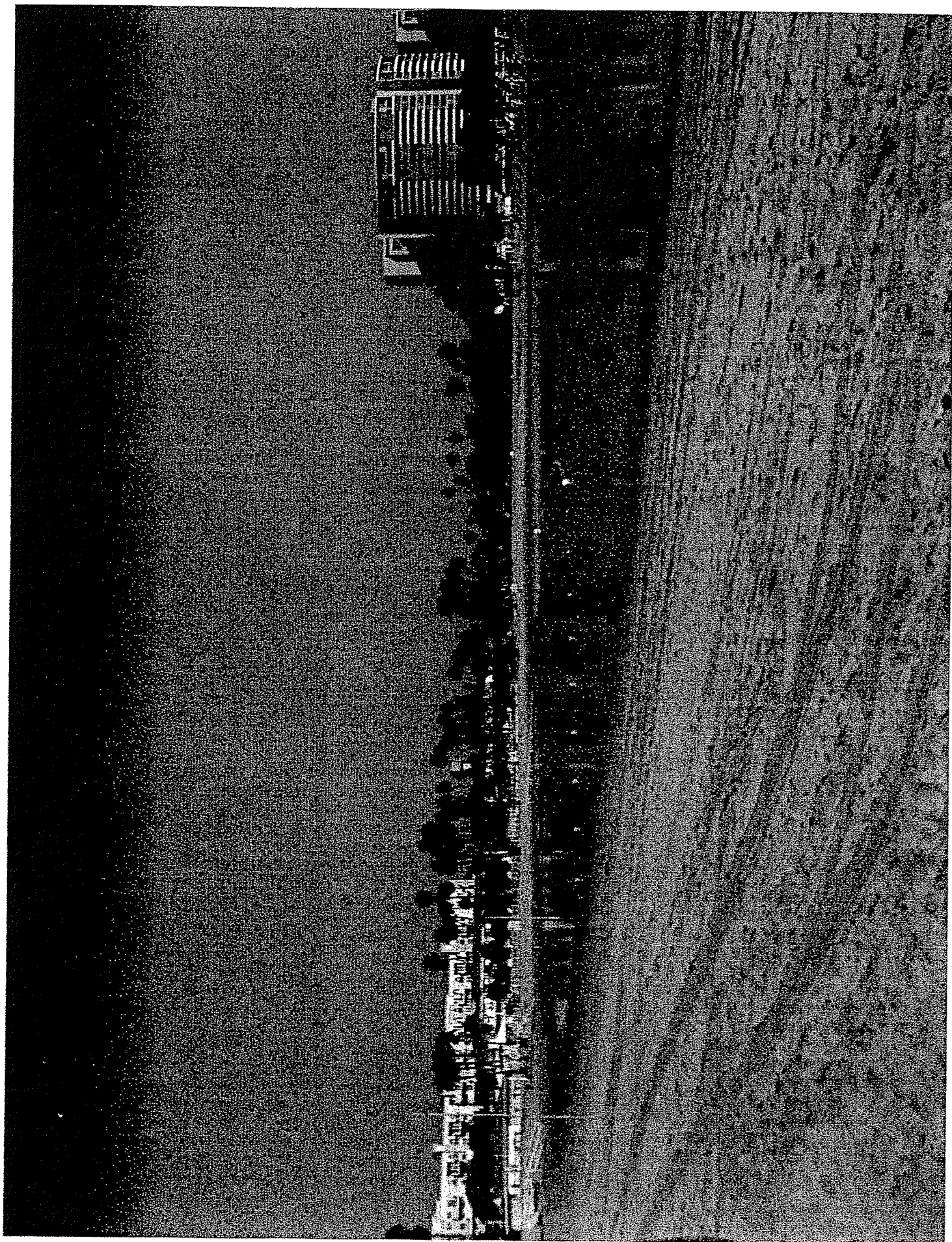
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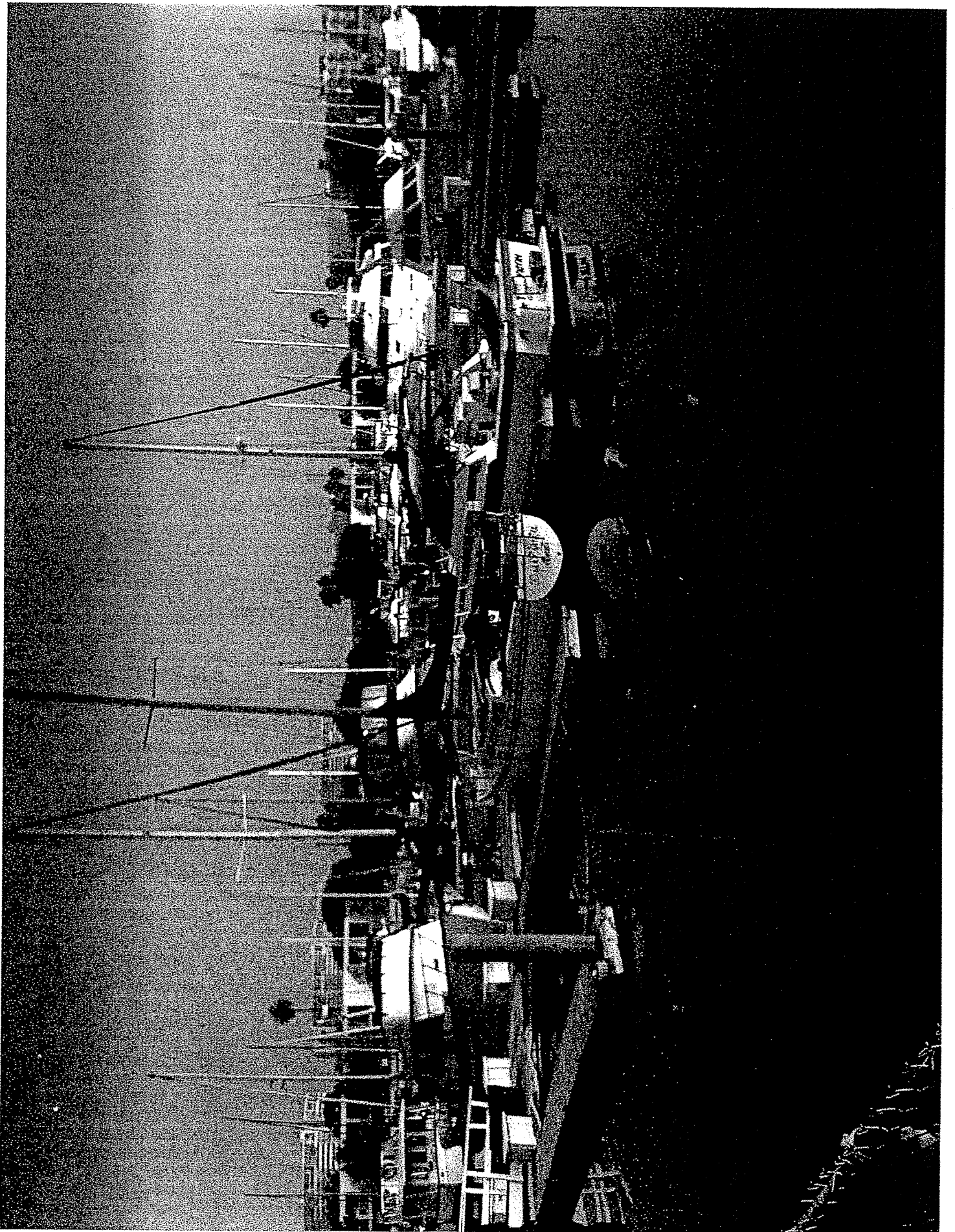


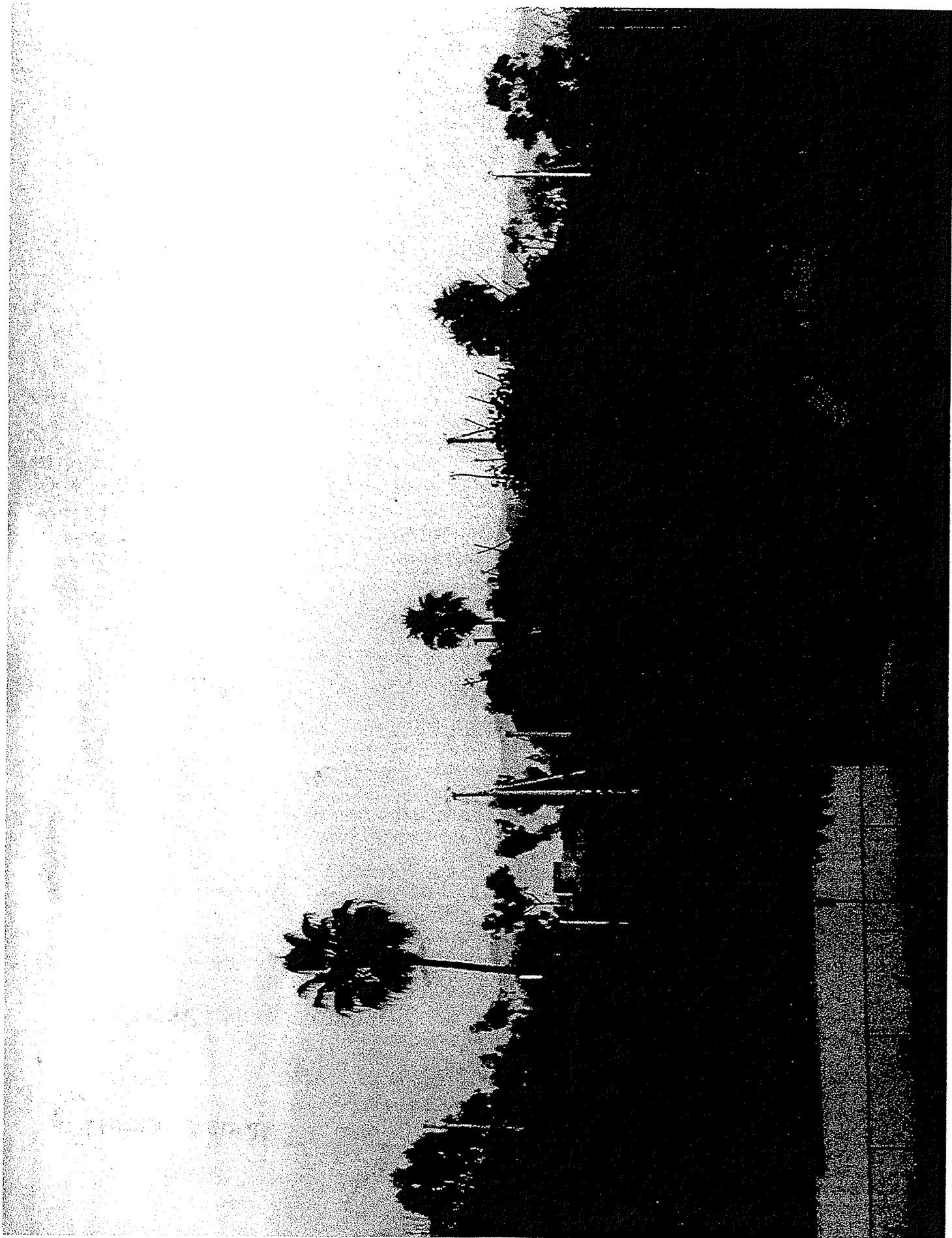












RECEIVED

Development Alert - Via Marina/Tahiti

❖ Help us Help you to Stop the OVERDEVELOPMENT of our Marina del Rey!

Development Details:

This proposed development will add **288 hotel and timeshare suite units and 390 new apartments** on three parcels, 9U - currently a wetland; FF - a public parking lot and 10 - Neptune apartments currently with 136 units. The project consists of:

19-story Woodfin Suite Hotel Timeshare Resort
288 hotel and timeshare suite units and accessory uses PLUS a 6-story parking structure with 360 spaces PLUS a rooftop heliport

Neptune Marina Apartments & Anchorage

Existing 136-units to be demolished to make way for 400 new apartments (Lot 10) PLUS 126 apartment units built on public parking lot FF. PLUS an existing 198-slip marina will be demolished in favor of a new 174-slip anchorage.

What YOU can do:

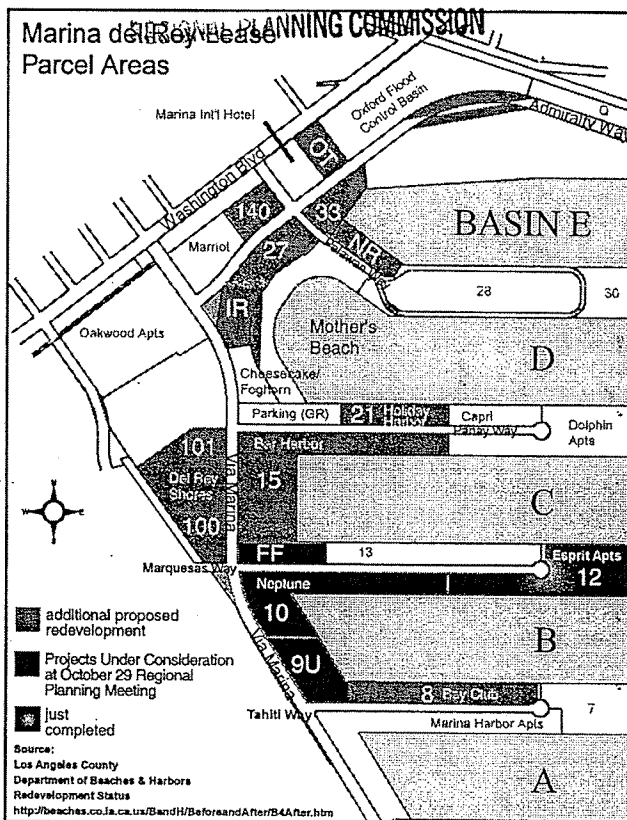
Donate to We ARE Marina del Rey - see below

/rite a Letter - mail a letter to Michael Tripp, Dept of Regional Planning, Room 1362, 320 West Temple Street, Los Angeles, CA 90012 OR email us your letter to info@wearemdr.com and we will submit it on your behalf. **Key Talking Points include:**

- > LA County is piecemealing in violation of CEQA
- > Timeshares and private development are NOT ALLOWED by our planning laws;
- > We want a master plan, an overall EIR and an LCP Update before any projects are approved, in order to assess impacts on our community

Attend the Hearing - speak your opposition or just show your support for the community. 9am, October 29, 2008, Room 150, Hall of Records, 320 West Temple St., Downtown LA. For more info, call Michael Tripp (213) 974-4813. Take the 437 Commuter Express bus right to the building. Hearing Agenda:

http://planning.lacounty.gov/doc/agenda/rpc/rpcagenda_20081029.pdf



ABOUT WE ARE MARINA DEL REY

We ARE Marina del Rey is a group of concerned citizens dedicated to preserving the unique recreational nature and lifestyle of our Marina.

We believe that L.A. County's piecemeal, project-by-project approach to development is bad planning, unnecessarily disruptive to the community, and results in poor management of public resources. We advocate a community-based master plan with Environmental Impact Report to address long term, cumulative development concerns. This, they so far refuse to do.

Our activities include public outreach and education, advocating for compliance with our LCP, and potential legal actions. **Sign up for our newsletter at:**

www.wearemdr.com

WE NEED YOUR HELP NOW! TIME IS RUNNING OUT! COUNTY IS STEPPING UP ITS PLANS!

Please make a **tax-deductible donation** today. Mail a check made payable to **IHCenter/We ARE Marina del Rey** to **PO BOX 9096, MDR, CA, 90295**. To make an online donation securely by credit card, please go to www.wearemdr.com/donate

For more information, please email us at info@wearemdr.com

We ARE Marina del Rey is in affiliation with International Humanities Center, a nonprofit public charity exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

Impacts of Development on MCC

❖ Help us Help you to Stop the OVERDEVELOPMENT of our Marina del Rey!

ELEMENTS OF COUNTY DEVELOPMENT WHICH WILL IMPACT THE MCC

Massive Increase in Apartments with Loss of Views and Marina Character

3,000+ dwellings and hotel rooms are planned, most of them on our side of the Marina. The picturesque activities of the picnickers, kayakers, outrigger crews and rowing skulls will, to a large extent, be pushed over to Burton Chase park where there is no sand, robbing our area of its colorful character. And our lovely view of Mother's Beach will be blocked by residential high rises.

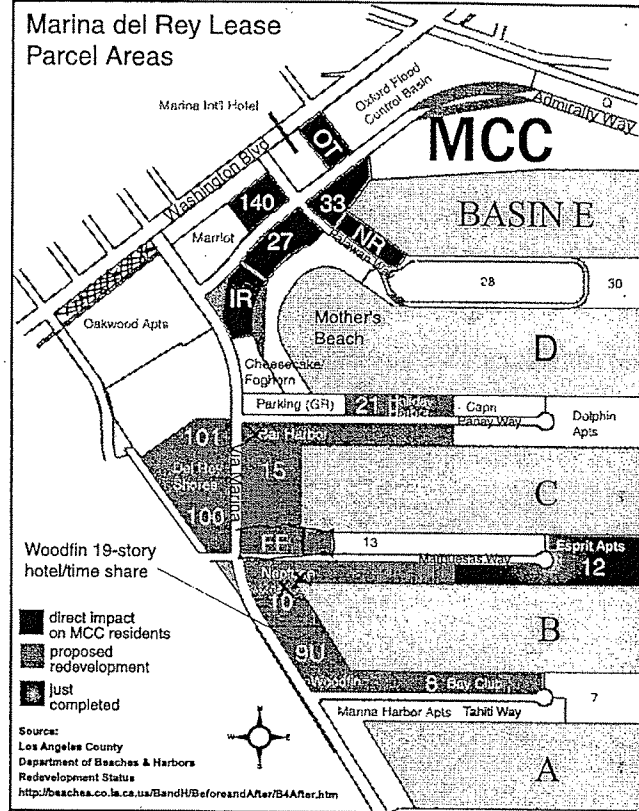
"Privatized" Mother's Beach & Public Parking Lots

Mother's Beach Public Parking lots and former Edies/Harbor House restaurants surrounding MCC to be built over with PRIVATE 5- 8 story residential and commercial complexes including:

- » **Lot 33** - Edies/Harbor House lot to become a 6-story apartment/shopping complex and parking structure with chain supermarket and drugstore
- » **Lot NR** - boaters' parking lot to the south to become a 5-story apartment block and private parking structure
- » **Lot OT** - across the street, next to the Oxford Basin to become market rate Retirement Hotel
- » **Lot IR** - Mother's Beach parking lot and picnic tables to be turned into TWO 5-story Marriot residence inn or equivalent buildings
- » **Lot 27** - construction about to begin on a 4-story wing of Jamaica Bay Inn on the site of Casa Escobar restaurant which is now closed

Admiralty Way becoming choked with traffic

We face the prospect of Admiralty Way becoming choked with traffic. The process is already beginning. The new apartment block at Palawan and Admiralty (Lot 140) will empty all its traffic onto Admiralty Way instead of Washington Blvd.



ABOUT WE ARE MARINA DEL REY

We ARE Marina del Rey is a group of concerned citizens dedicated to preserving the unique recreational nature and lifestyle of our Marina.

We believe that L.A. County's piecemeal, project-by-project approach to development is bad planning, unnecessarily disruptive to the community, and results in poor management of public resources. We advocate a community-based master plan with Environmental Impact Report to address long term, cumulative development concerns. This, they so far refuse to do.

Our activities include public outreach and education, lobbying for compliance with our LCP, and potential legal actions.

www.wearemdr.com

HOW CAN I HELP?

MAKE A TAX-DEDUCTIBLE DONATION

WE NEED YOUR HELP NOW! TIME IS RUNNING OUT! COUNTY IS STEPPING UP ITS PLANS!

Please make a generous **tax-deductible donation** today. To donate by check, please use our attached form and envelope.

To make an online donation securely by credit card, please go to www.wearemdr.com/donate.

For more info please contact Nancy Vernon Marino, MCC Resident at 310-490-1983

We ARE Marina del Rey is in affiliation with International Humanities Center, a nonprofit public charity exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

Hem #7

Main Identity

From: "Robert van de Hoek" <robertvandehoek@yahoo.com>
 To: "David De Lange PhD" <dr.delange@verizon.net>
 Cc: "Marcia Hanscom" <wetlandact@earthlink.net>
 Sent: Wednesday, October 29, 2008 6:42 AM
 Subject: Re: Regional Planning 9U tomorrow

Greetings Dr. David De Lange, PhD:

I am pleased to respond to your email as a wetland scientist, botanical scientist, ecologist, and conservation biologist.

The main report that wetland scientists and botanical scientists are required to rely upon for considering if a plant species is an obligate wetland plant or an upland plant is the National List of Plant Species That Occur in Wetlands, 1988, by U.S. Fish & Wildlife Service (Porter J. Reed, Jr., National Ecology Research Center. This report was reviewed for accuracy by 21 botanical scientists of university academic institution, including Wayne Ferren, Jr. and their input becomes the peer review, where they state that Seaside Heliotrope is an "obligate wetland plant." These 21 botanical scientists names and titles are listed on page 134-135 of the Reed (1988) report as the California regional reviewers. In addition, 24 government scientists from 5 federal agencies concurred with the 21 regional reviewers. These 21 federal scientists form the "Regional Interagency Review Panel." In essence, 45 scientists worked together to list Seaside Heliotrope as an "obligate wetland plant species." In addition, fyi, these same 45 scientists also listed Sandbar Willow as an obligate wetland plant species in the same report. I mention this species because this willow is also found on the 9U parcel and is also predominant in its "living cover" and Tony Bomkamp does consider this an obligate wetland species, so he obviously agrees here with the 45 wetland scientists and the USFWS report by Reed (1988). But he does not concur with the same body of expertise on Seaside Heliotrope. It's not appropriate to have it both ways as Tony Bomkamp attempts to do incorrectly.

My observations and comments at the DCB board are paraphrased incorrectly on the point that my observations are not solely based on review of the report by Tony Bomkamp, but are also based on more than a dozen site visits over the last 7 years the 9U parcel in Marina del Rey, California. I was in the field one day with Tony Bomkamp and Andi Culbertson and the soil scientists, but I have also visited the site as stated above over the last seven years, whereas, Tony Bomkamp has only been there for a couple of days of 1 summer of 1 year, which is limited. His errors and inaccuracies seem likely enhanced by not seeing the Seaside Heliotrope over a number of years in different season when Seaside Heliotrope is extremely predominant due to climatic rainfall differences and past weeding practices by the County at the 9U parcel where vegetation was plowed under with a tractor which erased vegetation dominance of the Seaside Heliotrope and disturbed the soil which gives favoritism to the weedy grass invasion. None of this history was included in the Glen Lukos memo or investigated by Tony Bomkamp or Andi Culbertson which is an attempt to mislead the reader(s) or is unprofessional scientific investigation, i.e. sloppy and unreliable report conclusions by Tony Bomkamp.

I not only reviewed the literature and reports referenced in the Glen Lukos Heliotrope Memo but I also site-inspected the 9U parcel in Marina del Rey and completed field analysis. I documented 33 locations of Seaside Heliotrope, which is more than double the number of locations identified by Tony Bomkamp. My analysis is comprehensive therefore, whereas Tony Bomkamp's investigation was only a partial investigation.

I found all 33 populations of Seaside Heliotrope to be in wetlands due to the presence of the species as

10/29/2008

well as its predominance of greater than 50% of living cover over the wetland soil. Unlike Tony Bomkamp, I do not consider dead grass stalks as legitimate to count as living cover. I do consider two other living species as countable, i.e. Telegraph Weed and Australian Saltbush. Both of these species are not predominant however, which leaves the evaluation at the 33 populations of Seaside Heliotrope as the predominant living species of vegetative cover.

Mr. Bomkamp should have only counted the living portion of the grasses which are the seeds lying dormant in the ground, which are small and adds less than 1% to an evaluation of predominant living vegetative cover.

Mr. Bomkamp's incorrectly uses the name of "alkali heliotrope" as the U.S National List of Plant Species That Occur in Wetlands (California) states clearly that the name is "Seaside Heliotrope." He deliberated attempts to confuse the readership as well as trying to lean readers away from considering the importance of this native wetland plant near the coast in the California Coastal Zone.

The Seaside Heliotrope populations in my estimation tabulate to 0.71 acre under a "linear vegetation band" that encircles the entire northern 1/3 of the 9U parcel. The roots extend down through the soil to a shallow water table of an saline (alkaline) nature which explains clearly why Seaside Heliotrope grows here. Wherever we find Seaside Heliotrope, whether on level ground or a slope, there is a perched water table, because Seaside Heliotrope roots depend on abundant water to be able to grow and be verdant green in foliage and stems and flowers during the long hot summer of southern California. Whereas, grasses are dead, turned yellow as dry stalks and thatch and are not legitimate to assess as "living" cover for a predominance of vegetation analysis.

In summary, Seaside Heliotrope is present and predominant as the "living" cover during summer at the time of the evaluation by Tony Bomkamp and during my several years of evaluation at the 9U parcel in Marina del Rey. There are 33 populations of Seaside Heliotrope throughout the 9U parcel. I found the predominance to range from 63% to 92%, with an average of 71% predominance of "living" vegetation cover. Under the law of the California Coastal Zone, this indicates that there are 33 wetland areas in the 9U parcel in the northern third of the property, which supplements the southern portion of the parcel where the Sandbar Willow population predominates as the "living" vegetative cover as well. Both species are obligate wetland species as defined in the LSEWS report by Porter-Reed (1988). The soils and hydrology would also show this soil to be wetland if measured in the wet rainy winter period because the soils are heavy adobe clay and silt with an abundance of salinity and alkalinity (high pH). The soils needed to be inspected at a greater depth, as I did, but which Tony Bomkamp did not do during his analysis which is likely why he did not determine the soils to be wetland soils. I would like to conclude with the importance of the nectar and pollen of the Seaside Heliotrope to native pollinator species, specifically, the three species of native bees and 14 species of native butterflies discovered over the course of the last 5-7 years that have visited the flowers of this consequently very important ecological native obligate wetland plant (11 of these 17 insect species play crucial roles in wetland function) at the 9u parcel in Marina del Rey. Interestingly, the Sandbar Willow wetland vegetation is wind-pollinated as there is no nectar in the flowers, so these same insect species do not occur there, but there are other species of insects that use willow forest, which in turn attracts foraging and migratory and nesting obligate bird species such as a unique wetland warbler known as the Yellowthroat and a sparrow of wetlands known as the Song Sparrow, both of which have been documented repeatedly over the last 7 years at the Sandbar Willow Forest at the 9U parcel.

Sincerely,

"Roy"

10/29/2008

Robert van de Hoek, RC
Wetland Scientist, Botanical Scientist, Ecologist, Conservation Biologist
Ballona Institute, Coastal Law Enforcement Action Network, Wetlands Action Network
Los Angeles, CA

--- On Tue, 10/28/08, David De Lange PhD <dr.delange@verizon.net> wrote:

From: David De Lange PhD <dr.delange@verizon.net>
Subject: Regional Planning 9U tomorrow
To: "Robert van de Hoek" <robertvandehoek@yahoo.com>
Cc: "Marcia Hanscom" <wetlandact@earthlink.net>
Date: Tuesday, October 28, 2008, 1:49 PM

Roy and Marcia, In the document below and attached Roy's views on 9U seaside heliotrope are critiqued in the Appendix to the 9U DEIR. This project will be heard tomorrow at REgional Planning. David De Lange

Glenn Lukos Associates Heliotrope Memo

MEMORANDUM

GLENN LUKOS ASSOCIATES

Regulatory Services

29 Orchard Lake Forest California 92630-8300

Telephone: (949) 837-0404 Facsimile: (949) 837-5834

PROJECT NUMBER: 06680001P9U

TO: Andi Culbertson

FROM: Tony Bomkamp

DATE: June 20, 2006

SUBJECT: Occurrences of Seaside Heliotrope (*Heliotropium curassavicum*) at Parcel

9U, Marina del Rey, California

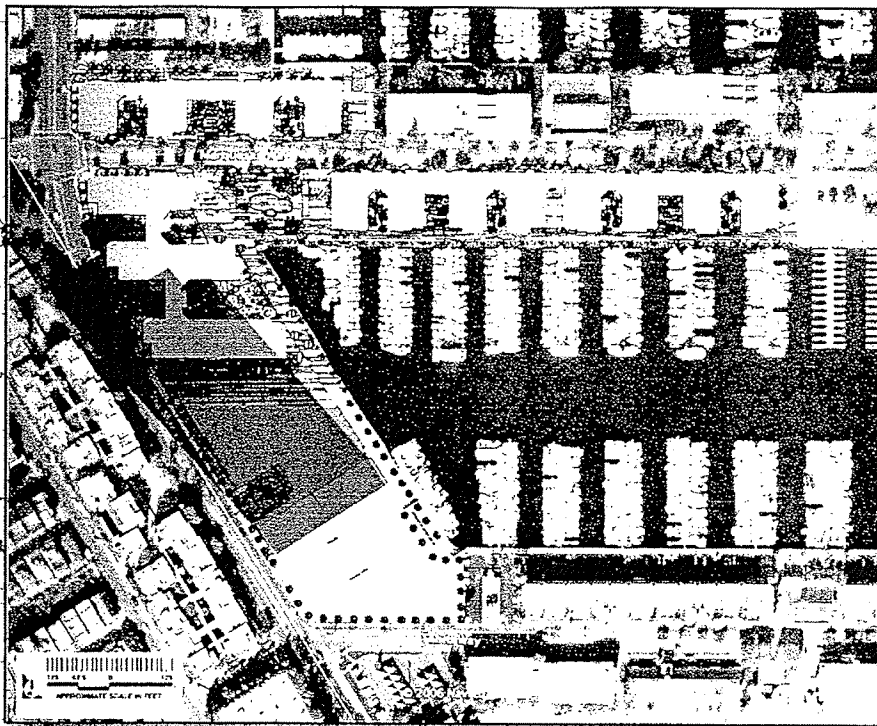
During testimony provided by Mr. Robert "Roy" Van de Hoek at the DCB meeting on May 18,

2006, Mr. Van de Hoek asserted that the presence of Seaside Heliotrope (heliotrope) on Parcel

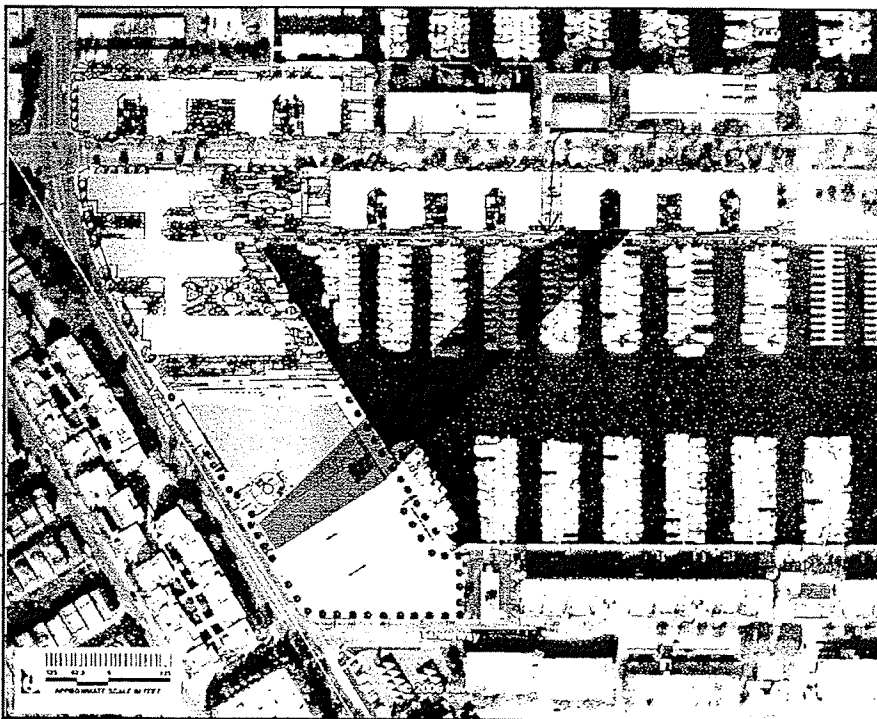
9U represented potential wetland locations. Mr. Van de Hoek's assertion was based on his

10/29/2008

Item #7



9:00 AM



3:00 PM

They did it Again Crooked line

- ① line not straight
- ② length 4.4 cm
- ③ $125 ft = 0.9 cm$
- ④ $1 cm = \frac{125}{0.9} ft$
- ⑤ $1 cm = 139.5 ft$
- ⑥ Hotel = 225 ft
- ⑦ Hotel = 250 ft
- ⑧ Azimuth $\angle = 130^\circ - 90^\circ = 40^\circ$
40° W N

Assume

⑨ Dec 21, 2000: Altitude 19.5°
Los Angeles, California Azimuth 138.5 E N

⑩ Shadow at 9:00 PM Measured
⑪ FROM VNC $\angle = 138.5 E N$
or $180 - 138.5 = 41.5^\circ W N$

⑫ $\frac{h}{l} = \tan(19.5^\circ)$
 $l = 0.354$
 $l = \frac{250}{\tan(19.5^\circ)}$
 $l = 706 ft$
Theoretical

⑬ $l_{measured} = 4.4 cm \times 139.5 ft/cm$
 $= 611.6 ft$
Impact source

SOURCE: Google Earth – 2006, Impact Sciences, Inc. – January 2007

FIGURE 5.6-19

Shade and Shadow Effects; Woodfin Suites Hotel/Timeshare Resort – Winter Solstice, 9:00 AM and 3:00 PM

The Arrogance of Power

OCT 29 2008

Yugoslavia: R

Los Angeles Board of Supervisors: The public be damned

There's local government that's completely reactive and government that leads as well as reacts, and then there's government by this-is-how-we've-always-done-it. Nowhere is the arrogant "sit-down-and-shut-up" method of governance on better display than at the Los Angeles County Hall of Administration.

Pension rules approved quietly—dangerously close to surreptitiously—by the Board of Supervisors have created a \$265-million liability for taxpayers. The public's cost, according to a study released this week, is expected to be \$18 million next year alone. Why? Because the county found a way to turn the meaning of an obscure state law on its head and decided that certain fringe benefits—such as car and medical insurance allowances—must be counted with salaries when retirement pay is calculated. The upshot is county pensions will increase; most retired board members will receive a hike of at least several thousand dollars each year, and one top official will draw an additional \$25,000. That's some mighty nice extra change. Too bad it came from your pocket.

Angered by the supervisors' using a state law as an excuse for the pension hikes, the state Senate Thursday voted to overturn the law. The measure goes to the governor, who should sign it. What excuse could the board find then?

There are plenty of galling examples of the supervisors' fiscal wrong-headedness. Marina del Rey, owned by the taxpayers and managed by the county, has become little more than a fabulous real estate investment for a select group of developers. Those

developers also happen to have donated more than \$500,000 to supervisors—and that's just since 1986. This week the board voted 4-1, with Supervisor Gloria Molina dissenting, to approve a precedent-setting lease that will give a developer control of a prime piece of county-owned waterfront property for 70 more years. Independent analysts say the county/developer

"partnership" is weighed heavily in favor of developers who lease marina land for apartments, restaurants, hotels, boat slips and shopping centers. That means the county will lose many millions in marina profits. It means many millions of dollars not there for public health, parks and other county needs.

This deal was approved despite the county's not even knowing the value of all the property

it's leasing. The county's economist argued that Marina del Rey is worth just \$400 million to \$600 million, only to admit later that his figure was merely an estimate. An independent authority and professional appraiser analyzed the marina at The Times' request and concluded that it was worth a lot more—\$1.4 billion.

In extending one lease Tuesday, the county got "as good a deal as you can get," one supervisor insisted. Guess we'll never know now, because the board refused to take any more time to consider a deal that will last until the year 2062.

Is the government that county residents are getting really "as good a deal" as they can get? Or is the more frightening prospect that supervisors can continue to do business as usual, secure in the knowledge that a lot of angry, alienated voters have just tuned out?



Board veterans: Clockwise, Edelman, Hahn, Antonovich, Dana.

Yugoslavia, the land of the southern Slavs, has no national definition other than as a federation of six republics: Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia. But three of the six—Slovenia, Croatia and Bosnia—have now won international diplomatic recognition as independent states, and a fourth, Macedonia, is seeking recognition. Yugoslavia has thus experienced a piecemeal, de facto loss of diplomatic recognition.

As long ago as last November, this newspaper urged the Bush Administration to make that de facto loss de jure. At that time the Administration was standing by official Yugoslavia as, earlier, it had stood by the official Soviet Union. The American tilt was toward the preservation of order rather than toward any of the contending southern Slav ethnic groups. But its assumption—that a peaceful and comprehensive transition from Yugoslavia to a successor state or states could be managed—was even then indefensible.

Our allies in the European Communi-

A Little Comp

Extending rights to ne

It doesn't take the U.S. Census Bureau to tell us that something fundamental is changing in the American household. But the 1990 census was startling nonetheless. In Los Angeles County, for example, barely a quarter of households were found to be "Ozzie and Harriett"-type families. Even in Orange County, once the bastion of suburban family life, only 28.1% of households were "traditional"—that is, married couples with young children.

Laguna Beach, home to a large population of homosexuals, is even more distant from the nostalgic stereotype of the family; only 13.1% of households consisted of married couples with young children. It's no surprise, then, that Laguna Beach has become one of a handful of U.S. cities to adopt an ordinance extending to non-traditional couples some of the rights previously enjoyed only by marrieds.

Under the new ordinance, approved this week, *non-traditional* refers not

Los Angeles Times 8/11/94



Photos by V. RICHARD HARR / Los Angeles Times

As Compton continues to deal with fallout from the beating, Michael Colvin, left, and Enrique Garcia, above, were among speakers at a news conference about fostering cooperation among the city's black and Latino residents.

Grand Jury Asks D.A. to Review Leases at Marina

■ **Development:** It wants Garcetti to determine if laws were broken or procedures ignored in negotiation of long-term deals for prime real estate.

By FREDERICK M. MUIR
and JEFFREY L. RABIN
TIMES STAFF WRITERS

The Los Angeles County Grand Jury has called for the district attorney to investigate long-term leases that the county granted to private developers on choice waterfront property in Marina del Rey, The Times has learned.

The grand jury wants Dist. Atty. Gil Garcetti to determine if any laws were broken or procedures ignored when the county renegotiated leases on valuable county-owned marina property in 1989, according to two members of the panel.

"The county was a loser in each one of these leases," said one grand juror, who asked not to be identified. "Was it ignorance, stupidity or duplicity?"

A spokeswoman for the district attorney said Garcetti had not received the grand jury's request and would have no comment. Grand jury adviser Terry White, a deputy district attorney, said he has not had time to prepare the formal referral to the district attorney but plans to do so in the near future. He added that the district attorney is not obligated to act on a grand jury referral.

The grand jury, which finished its term June 30, stated in its final report that it had conducted a preliminary investigation into the marina. Two grand jurors said the panel decided the leases warranted further examination and voted to refer the case to the district attorney in part because members

leo Beating Sues for \$10 Million

squad car by his handcuff chains.

The youth's lawyer later said Soltero had become angry after a social worker from the Department of Children's Services showed up at his home to investigate a complaint of child neglect, and to round up Soltero's siblings. When the youth told the social worker to go away, she called the police, the lawyer said. When the teen-ager confronted Jackson as well, he said, the officer beat and arrested him.

But Wednesday, lawyer George Franscell, who is representing the police officer and Compton, said the videotape did not tell the whole story.

As proof, Franscell produced a tape of a 911 call from another neighbor of Soltero's family. In that tape, James Murillo reports that "there's an officer out there fighting with somebody . . . and the sister walked up to him and hit him too."

The lawyer said Murillo later explained to an investigator that "the police officer was overcome and could not control [the youth]."

Franscell also held up the uniform he said Jackson was wearing at the time of the encounter, which had a ripped breast pocket and a tear in the knee that he said

occurred in the scuffle. He said the dirt on the uniform showed that the officer had been on the ground during the incident.

"There was a fight and the officer was on the ground and the officer was losing the fight," Franscell said. "The officer had to use these types of force."

Additionally, the lawyer presented a man he identified as a videotape expert, who questioned the validity of the tape, which was initially aired by KNBC-TV. Norman Perle—who appeared on another videotape being interviewed by Compton police—said the beginning of the amateur video may have been erased, and that some audio alterations may have been made.

He also said, contrary to claims made by the youth, that the tape showed no blows to Soltero's head, and that it appeared Soltero tried at one point to fight back by aiming a "karate kick" at Jackson.

Perle, whose operation—National Audio/Video Forensic Laboratory—is run out of an office in his Northridge home, has testified in several high-profile cases. His credentials, however, have been repeatedly attacked in court.

For example, when Perle testified in the

Please see COMPTON, B3

MARINA

Continued from B1

it they lacked the expertise to value the complex agreements.

Most of Marina del Rey is owned by Los Angeles County, which assesses it on a long-term, generally 30-year, basis to a small group of developers who operate the harbor's apartments, hotels, boat slips, restaurants and shops. The vast majority of the marina properties are controlled by a handful of developers, who also have been significant campaign contributors to the county Board of Supervisors.

A yearlong Times study of the marina published in April, 1992, found that the partnership between the county and the leaseholders had primarily benefited the developers at the expense of the public.

Independent real estate experts consulted by The Times concluded that the marina leases were generating far less rental income for the county than they should given the value of the prime waterfront property. The experts also said the county made a big financial concession to the leaseholders when new rent levels were negotiated in 1989.

County officials, who challenged The Times' conclusions, have said he renegotiated rents were the best they could obtain after years of deadlock with the leaseholders. The county's income from apartments and boat slips was adjusted upward, although not as high as recommended earlier by appraisers or the county.

The grand jury stated in its report that it had conducted a

preliminary inquiry into a citizen complaint alleging "improprieties" in granting leases in Marina del Rey. The report said "one aspect" of that inquiry should be referred to the district attorney.

That aspect, according to the grand jury sources, is whether the leases are legal and the negotiations were properly conducted. The grand jurors asked not to be identified because they are prohibited from talking about their proceedings.

The grand jury also referred the marina issue to the newly installed 1994-1995 grand jury for consideration, according to interviews and documents obtained by The Times.

"We wanted to be sure that the lease process was fair and legal," said one grand juror. "Mostly that it was legal."

The county's negotiations on the marina leases were overseen by former Chief Administrative Officer Richard B. Dixon, who left county service in a cloud of controversy over changes in the pension plan last year, and County Counsel DeWitt Clinton. Los Angeles Mayor Richard Riordan, who at the time was a private attorney, was hired by the county to assist in the negotiations. The Board of Supervisors also played a critical role in shaping the county's marina leasing policy, especially Supervisor Deane Dana, who represents the marina area.

"You can always argue if it was a good deal or not," said Dixon, when told of the grand jury action. But he said he does not believe any laws were violated. Clinton could not be reached for comment.

Riordan said in a prepared state-

ment that he negotiated a good deal for county taxpayers that resulted in significantly increased rental income. "This action, like any other involving a public body, is rightly subject to thorough review and scrutiny," he added.

When told of the grand jury's referral to the district attorney, Dana said, "It's all right with me. I don't think they'll find anything very startling." Dana said the county's lease arrangements have been successful for the 30 years since the marina was created and he is satisfied the leases are legal and their terms are fair to the county.

Supervisor Gloria Molina, who has been critical of the leases, said she will personally encourage Garrett to vigorously pursue the grand jury's referral. "I've had concerns from day one. We have private people gaining tremendous benefit from a public resource."

The big leaseholders who collectively control about two-thirds of the marina include lobbyist/attorney Douglas Ring and his uncle, Ellis Ring; developer Jona Goldrich; developer Jerome Snyder, whose marina holdings are now in bankruptcy court; developer Jerry Epstein, who has served on numerous government commissions; and Saudi Arabian investor Abdul Aziz al Ibrahim, a brother-in-law of Saudi King Fahd.

Another longtime marina developer, Abraham Lurie, who sold 49.9% of his holdings to the Saudi investors in 1989, later lost his share of the marina leases in a bankruptcy court battle with his partners.

Lurie had no comment, but said he would be willing to meet with the grand jury to discuss his views

of the marina. Snyder said his Marina City Club holdings were not covered by the 1989 rent renegotiations.

Douglas Ring said he was not involved when the original leases were signed, but the grand jury is welcome to look into the rent renegotiation issue.

Goldrich said county negotiators "drove a real tough bargain... I don't see where the grand jury is going to find something wrong with it."

Epstein could not be reached for comment.

The grand jury opened its inquiry into the marina as a result of a complaint by John Rizzo, a longtime Marina del Rey activist. He presented the grand jury with a videotape in which he was sharply critical of the county's administration of the harbor.

The tape was "very good" and the complaint was "very comprehensive," according to another grand juror. "He's got some good points."

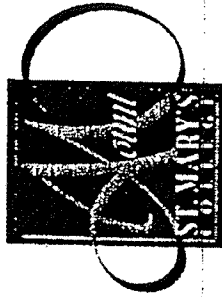
The jury's Government Operations Committee began assembling a file on the controversial topic, but was unable to complete its investigation because of the press of other business, budgetary restraints and a concern the panel had a conflict of interest because one member is an officer in a marina yacht club, according to several members. Also, some members felt they had to hand it off to the district attorney because they did not have the necessary expertise.

"The whole thing was so com-

plex, said one juror. White said the panel presented him with five volumes of notes

concerning the marina that he must review and condense into a formal referral to the district attorney.

The grand jury is a panel of 23 citizens appointed for a one-year term by the Superior Court to hear criminal cases and determine whether there is sufficient evidence to return an indictment. The grand jury is also charged with serving as a guardian against improper or inefficient performance by county government. It has wide statutory powers of inquiry and investigation.



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DOCTORS

Continued from B1

the patient must be dead because "the dosages were incompatible with life."

Plowman recalled, "This was a rather remarkable effort by the

clinical examinations in addition medicine before his office will retract the accusation filed in 1990. Marino said that charges against

January 6th 2000

LOS ANGELES TIMES

MARINA

Continued from A1
extensions will encourage redevelopment that will significantly increase revenue to the county. "You don't want to leave those assets existing in the conditions they are," he said. "If you said 'no' to a lease extension you'd never get economic development."

Ring, who once described the marina as "the greatest real estate investment in Southern California," is one of a number of politically well-connected developers who hold a monopoly on marina leases, paying the county what some real estate experts regard as remarkably low rates for waterfront property in one of the Pacific Coast's most desirable sites.

The entire marina—the world's largest man-made small craft harbor—is owned by the public. It was leased to developers beginning in the 1960s. Most of the original leases were for 60 years.

With only 20 years remaining, Ring and county officials say the lease extensions are essential to obtain the long-term financing needed for redevelopment of the harbor.

The negotiations with Ring were conducted without competitive bidding since his Marina Two Holding Partnership holds the existing leases on the Bar Harbor and Deauville marinas. Ring's company runs the existing apartment buildings and boat slips on the two parcels, which total 18 acres of land and 17 of water. Had the county not extended Ring's agreement, leases on the parcels could have been put out for competitive bids when they expire.

Supervisor Don Knabe, whose district includes the marina, said it is too risky to wait and allow leases to expire. "Can you predict the future?" he asked. "If [leaseholders] can't get the financing to redevelop, what're they going to do? They're going to ride it out."

Until the mid-1990s, Ring held the leases on the two parcels in a partnership that included former state Sen. Alan Robbins, who served 20 months in prison after pleading guilty to federal corruption charges for extorting payments from lobbyists and former business partners. But Ring said in an interview that the former lawmaker was severed from the partnership as part of the settlement of a civil dispute.

\$3.2-Million Extension Fee

The new agreement calls for Ring and his current partners to pay the county a \$100,000 fee for an option to extend the lease on the two parcels until 2060. The fee was paid immediately after the supervisors acted. When the option is exercised, Ring is required to pay the county a \$3.2-million extension fee over 10 years. Ring will receive half of that amount back if the county's share of rent from the property rises significantly.

When the county has opened marina projects to competitive bidding, there has been an outpouring of interest from developers. As a consequence of such bidding, county officials are now negotiating with Legacy Partners to build a long-sought high-rise hotel on the last undeveloped property on the west side of the harbor. And on the east side of the marina, the county is negotiating with another winning competitor, Vestar-Athens group, on development of a major retail and entertainment complex.

The extensions increase the term of the leases to 99 years—the maximum time allowed by state law. Wisniewski said the extensions are at or above market rate. However, such "market rates" in Southern California are essentially determined by those charged at Marina del Rey, the state's largest facility. In fact, a report on the deal prepared by private appraisers, retained by the county, said "our research did not reveal any recent private ground leases in Southern California for projects with comparable characteristics."

All of the supervisors except Molina have received thousands of dollars in campaign contributions from Ring over the years, but the biggest beneficiary by far has been Knabe.

He has received more than \$38,500 from Ring, his family and associates since he began his first campaign for supervisor in 1995. Most recently, Knabe received contributions of \$1,000—the maximum allowable under county law—from Ring, Los Angeles City Councilwoman Cindy Miskowski, three of Ring's cousins and a developer who works for Ring—during a June fund-raiser at the lawyer's home.

In fact, Ring reported spending at least \$3,544 to assist Knabe in fund-raisers or other campaign events since 1996. But Knabe has never reported that assistance on his campaign finance reports, as required by state law.

The supervisor referred questions about the discrepancies to his campaign attorneys, who said Wednesday night that they were reviewing the conflicting reports to determine what may have been unintentionally omitted and would, if needed, file amendments.

Ring was recently appointed to the board of the city's Community Redevelopment Agency by Mayor Richard Riordan. A former lobbyist,

Ring gave up that practice when his wife was elected to the City Council in 1996 representing parts of the Westside and San Fernando Valley. For many years, Ring has given to a wide range of politicians—including supervisors other than Knabe.

In the past five years, Ring has given \$10,500 to Supervisor Mike Antonovich, \$8,500 to Supervisor Yvonne Brathwaite Burke and \$7,000 to Supervisor Zev Yaroslavsky. He gave \$700 to Molina in the 1980s during her time on the Los Angeles City Council.

Knabe was out of town on vacation and was not at Tuesday's board meeting, so he did not vote on the extensions, although he has been present in closed-door meetings between the board and the county's negotiators.

In an interview, the supervisor downplayed his influence on the process, saying county consultants hired by the board have the primary responsibility for the deal.

"We obviously get independent analysis of the situation," he said. "It's not something we do on our own."

He added that Ring does not influence his decisions on the marina. "He doesn't call me and say this deal is coming."

In an interview, Ring said he did not solicit the contributions to Knabe made by his family members or associates and noted that he has been active in politics and a prolific campaign donor to numerous politicians for four decades.

"Should I be disenfranchised?" he asked. "I'm not prepared to abandon the political process."

Ring said the county will share in the benefits of an improved marina. "The county shares in the proceeds" from the development, he said, noting that they are expected to quadruple. "That's a whole bunch of money from my reckoning."

The county received a total of \$1,188,132 in rent on the two Ring parcels in 1998. When the redevelopment is finished, nearly tripling the number of apartments, the county's economic consultant estimates that the county will receive \$4.5 million annually.

Plans call for the 408 apartments on the two properties to be replaced by 1,201 new apartments, including 241 for low-income senior citizens. The existing 752 boat slips will be replaced by 439 slips for larger, more expensive vessels.

The deal is expected to set the pace for future lease extensions. It provides that the county is to receive 10.5% of the revenue generated by the apartments and 25% of the revenue from the boat slips.

Wisniewski insisted that the county will be receiving fair market rent for its valuable waterfront property, though 89.5% of the revenue from apartments and 75% of the revenue from boat slips will be going to Ring and his partners.

The county official based that assertion on an appraisal that compares Marina del Rey to other Southern California harbors from Santa Barbara to San Diego.

Determining Market Rates

The Times reported in 1992 that the county was receiving significantly less than it should for such prime waterfront property on Los Angeles' Westside.

A retired UCLA business professor and prominent real estate expert, Fred Case, estimated that the marina property could be worth as much as \$1.4 billion and said the county should be receiving a return of at least \$50 million, double the current level.

In the aftermath of The Times stories, Supervisor Molina sharply objected to the terms of marina leases. She helped push the county to adopt a strategic plan for the marina in 1997. She voted for the lease extensions Tuesday because she believes the county is adhering to that plan and now is negotiating a good deal for taxpayers, according to her spokesman, Miguel Santana.

"This is, as far as she's concerned," Santana said, citing regular briefings by county staff and tougher negotiations.

Without the lease extensions, Wisniewski said, the current leaseholders will be unable to secure financing for new projects and the

marina would languish.

Ring agreed. "The property that is within the marina today, all of which was built at the same time, is nearing the end of its life," he said. "Hopefully, we will be the first of a wave of redevelopment that, if you will, upgrades" the area.

Wisniewski stressed that the monetary payment is only one of the terms of the lease extensions. Among other measures, they also require the leaseholder to pay for the county's costs in negotiating the extensions, raise the rent on one parcel by more than 2% and secure the county's participation in any sale or refinancing of the lease.

Before any redevelopment is finalized it will have to be approved by the county's regional planning commission, then by the supervisors and possibly the state Coastal Commission.

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Court shoots down judicial perks

By Troy Anderson, Staff Writer

Article Last Updated: 10/15/2008 09:32:34 PM PDT

In a practice critics called a waste of taxpayer money, Los Angeles County has violated the state constitution for years by paying judges perks and supplemental benefits over their state salaries, a state appeals court has ruled.

The justices wrote that the state constitution requires the Legislature to set judges' pay - and the Board of Supervisors' practice of paying judges an extra \$46,436 annually in cash benefits is "not permissible." They sent the matter back to Superior Court.

The case was filed by Judicial Watch, a conservative watchdog group based in Washington, D.C. The ruling was made Friday by a three-judge panel of the state's 4th District Court of Appeal.

Paul Orfanedes, litigation director for Judicial Watch, said Wednesday that the ruling means the Board of Supervisors had spent taxpayer dollars in a way "directly contrary to the California Constitution."

"It's a question of integrity for the court," Orfanedes said.

"Judges are in a very unique position. It's one of the most important positions from the standpoint of the public's trust and confidence, and the fact they are taking this money the constitution says they shouldn't take, I think, has some impact on the important role they play."

The county supervisors did not return calls for comment, and a Superior Court spokeswoman said judges are precluded from commenting on ongoing litigation.

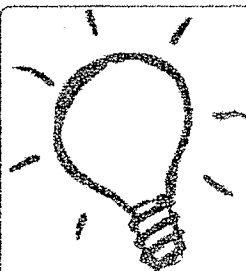
But Assistant County Counsel Les Tolnai denied allegations that the payments had resulted in judicial bias, saying the claims didn't "merit a response." However, he pointed out that the justices found that the payments were not "gifts of public funds" as Judicial Watch had alleged.

"The Court of Appeal pointed out what has happened has not been a waste of public funds," Tolnai said. "What occurred here is a very technical interpretation of the constitutional language ... and frankly it's a decision that surprised everyone associated with this process."

Tolnai said the Board of Supervisors has not decided whether to appeal the ruling to the state Supreme Court. If the board decides not to appeal or is unsuccessful on appeal, Orfanedes said he planned to ask the lower court to issue an injunction ordering the county to stop making the payments.

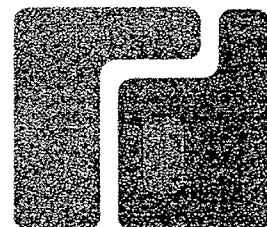
The county began making the payments to more than 400 judges in the late 1980s. In 1997, the Legislature passed a law stating the state would

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assume the responsibility of funding court operations. But since 1998, the county has continued to pay at least \$120 million to the judges.

In 2007, each judge was eligible to receive \$46,436 in supplemental compensation from the county on top of the benefit package provided by the state and an annual salary of \$178,789. The judges are allowed to either purchase additional health, life, disability and other benefits from the county or keep the cash as taxable income.

Some attorneys have alleged that the county's payments to judges make it nearly impossible to get a fair trial in cases involving the county.

"This court decision will stop these unconstitutional payments and restore our constitutional right to have free access to the courts and fair trials," said taxpayer advocate attorney and Encino resident Richard I. Fine.

Last year, the California State Bar Court urged that Fine be disbarred, accusing him of moral turpitude. The move came several years after Fine alleged the judges had not disclosed that the county paid them the extra cash benefits in cases in which the county was a party. Arguing that the appellate court decision had "vindicated him," Fine said he filed a motion asking the court to dismiss the case against him.

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


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Grand Avenue Drenched in Misdirection

Politicos don't understand their own contract

BY TIBBY ROTHMAN

THE LUXE GRAND AVENUE PROJECT, if ever built on a hunk of taxpayer-owned land downtown, will feature a glittery five-star hotel and the curious involvement of the wealthy royal family of Dubai, who control a tiny Gulf oil nation cited by the U.S. State Department for human rights abuses.

One thing the public project does not feature, however, is transparency.

In a series of moves unusual even for the cloaked deals that precede official rubber-stamping of controversial projects in Los Angeles, key politicians in City Hall and the County Hall of Administration will not — or maybe cannot — answer basic questions about a project that will receive up to \$158 million in taxpayer subsidies.

In recent days, City Councilwoman Jan Perry and County Supervisor Gloria Molina, two main drivers behind the Grand who sit on the obscure Grand Avenue Authority, which oversees the \$3.1 billion project, refused to answer a fundamental question posed by the *Weekly*. Had these two powerful women actually read the existing deal with the private developers before they both agreed to delay the groundbreaking yet again?

The developer, the nationwide Related Companies, says it needs more time because the construction loan market is virtually frozen. That sounded logical — at first. Loans are so hard to get right now that Related Companies is being required to produce significantly more project-cost information to the banks. In the past, the "construction documents" required by banks had to be 50 percent completed. But now, Related is being required to provide far more detailed information and submit documents that are 80 percent complete.

The spin from Molina, Perry and other politicians sounds simple — Related just needs several extra months to do the unexpected paperwork. But the truth is, the existing agreement clearly shows that in 2007 the developer promised it could provide all this documentation within a six-month time frame. Now it has been granted 10 months.

WHY? Bill Witte, president of Related Companies, told *L.A. Weekly* that the delay is being caused by something else — challenges they face over how to build the Frank Gehry-designed complex of shops, condos and a hotel adjacent to Disney Hall. It's the "most complicated design ... L.A. has ever seen," Witte says.

In addition, he says, they needed more time to deal with the unexpected soaring costs of materials. But an expert familiar with such large projects says that the costs

of materials "has been off the charts" since late 2005 or early 2006. It's not a recent phenomenon, as Witte claims.

Supervisor Molina and Councilwoman Perry, who have voted repeatedly for taxpayer funding for the project, initially ducked the *Weekly*'s queries on the obvious discrepancies in explanations offered about the lagging groundbreaking, now more than two years late. A Perry aide eventually e-mailed the *Weekly* to insist that Perry had read the existing contract with Related before giving the company an extra four months, but the aide could not explain why Perry thought the developer should have more time to complete long-expected work.

Perry and Molina insist that the project's smattering of affordable housing units and its "Civic Park" plan — actually just a heavily paved retooling of the County Mall — are extra goodies that justify the public help being poured in. But in fact, the affordable

housing and the retooled square are not extra public "benefits" arising from a private project. Both are being extensively paid for by the taxpayers.

"They can't be seen as walking away."

—Real estate expert

In a bizarre recent move, \$30 million from a housing fund created by California voters to help house the poor and battered women was diverted to help cover the price of the 16-acre "Civic Park" that's recently emerged as little more than a square with a few trees and is clearly designed for commercial uses.

In a government e-mail obtained by the *Weekly*, one city expert on housing subsidies also sharply questioned the taxpayer help pouring into the Grand's affordable housing component. The private e-mail from a staffer at the Community Redevelopment Agency, dated August 1, 2007, notes that Related Companies got a hefty \$10 million in taxpayer funds to subsidize 100 affordable units at the Grand. By comparison, a developer in an unrelated project got \$8 million to subsidize 259 affordable units.

But from the beginning, the numbers on the Grand never penciled out.

"Nothing would give me more pleasure than to say that this thing's a crock and it's going to die, but I don't think it's true," says one real estate expert familiar with the Grand. Because Related strikes so many public/private deals with other city halls across the country, it can't be seen as abandoning a flagship project. "They can't be perceived to be walking away," the expert notes.

"What does strike me," he warns, "is that the pattern of this project has been to ask for progressively more public support and assistance." □

this is supposed to be foundation ^{the} Hem #8

of the future trip predictions. At this intersection the percentages should add up to 100% and (100%).

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REGIONAL PLANNING COMMISSION

Via Dolce is missing

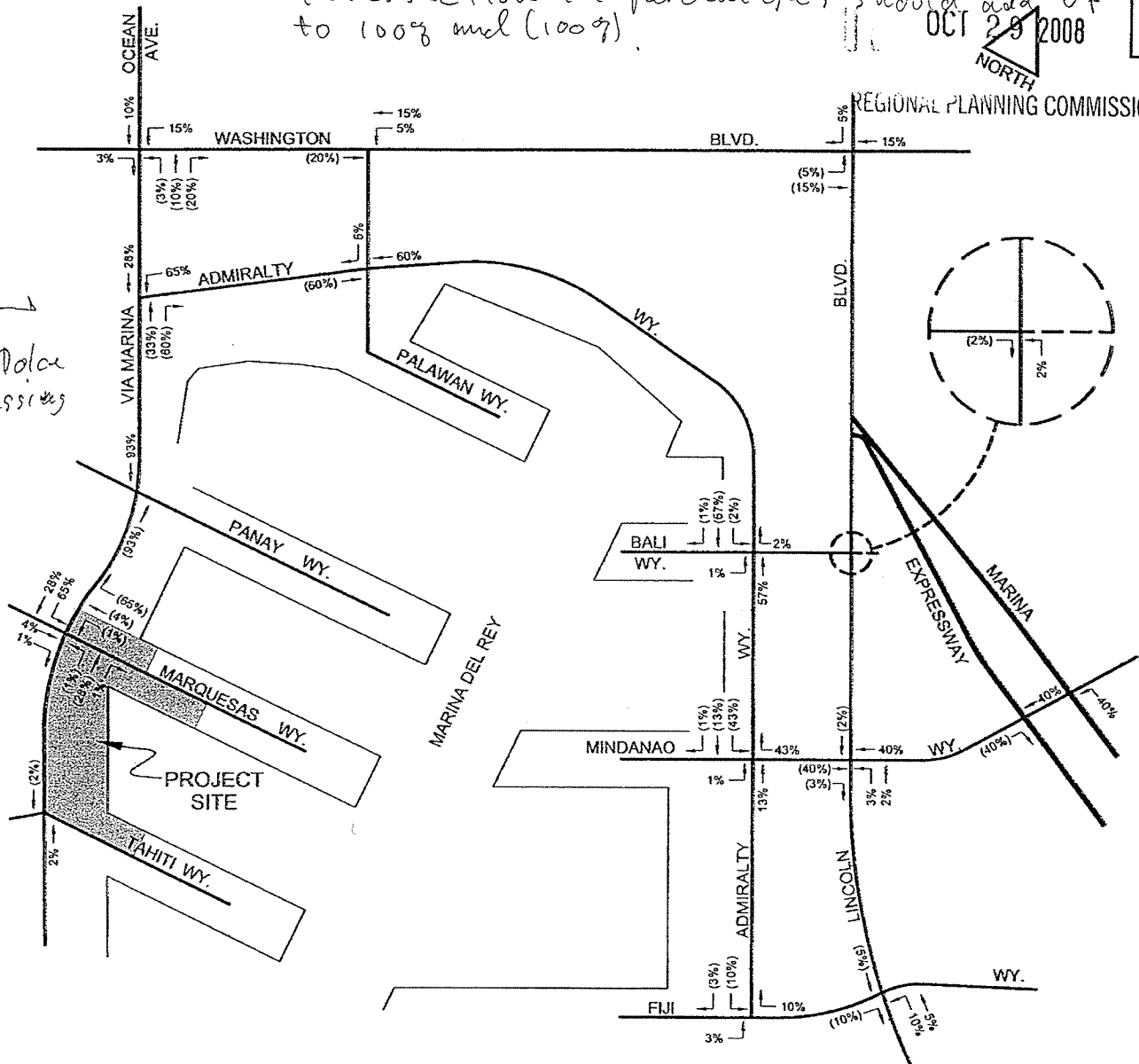


FIGURE 4(a)

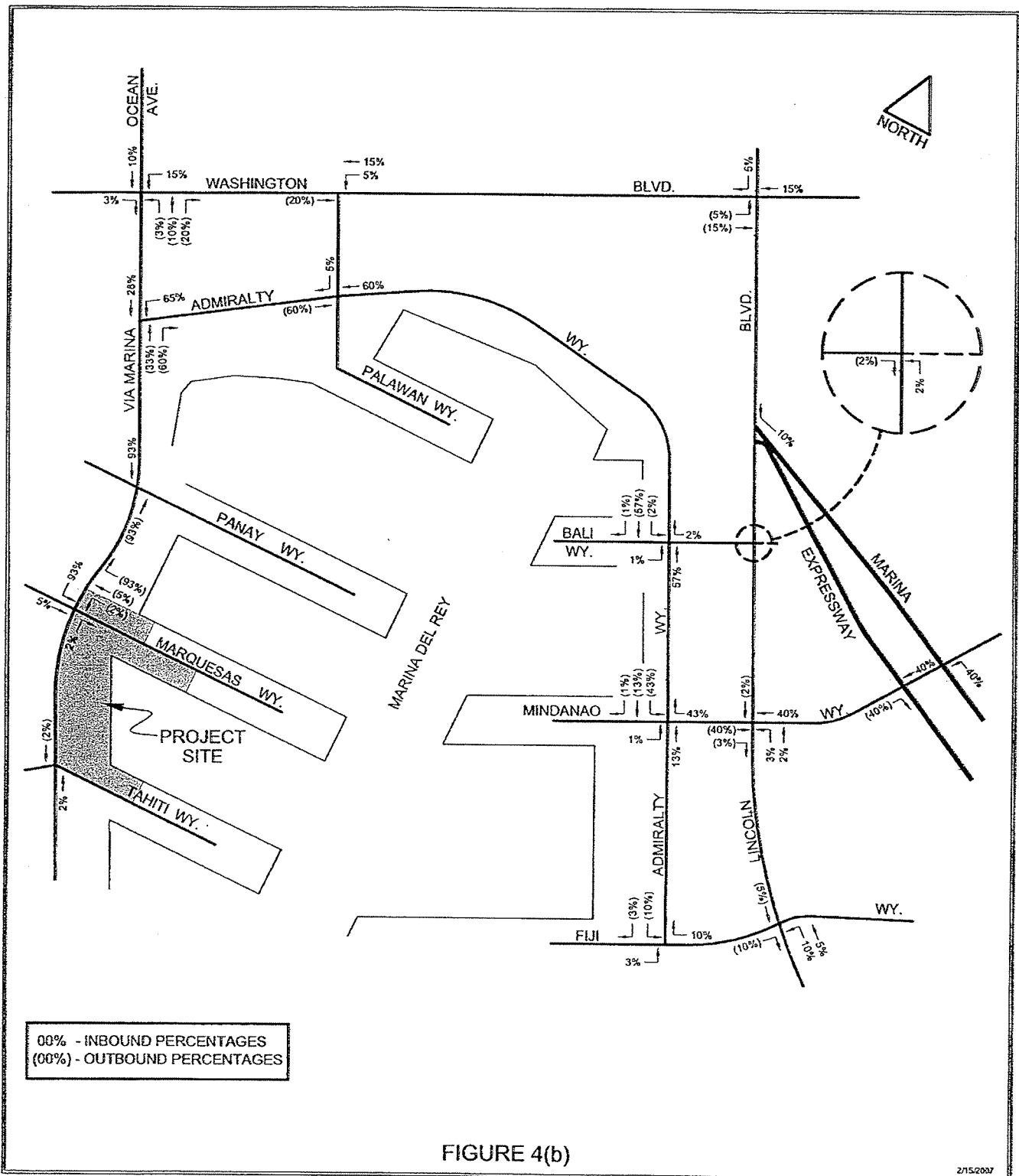
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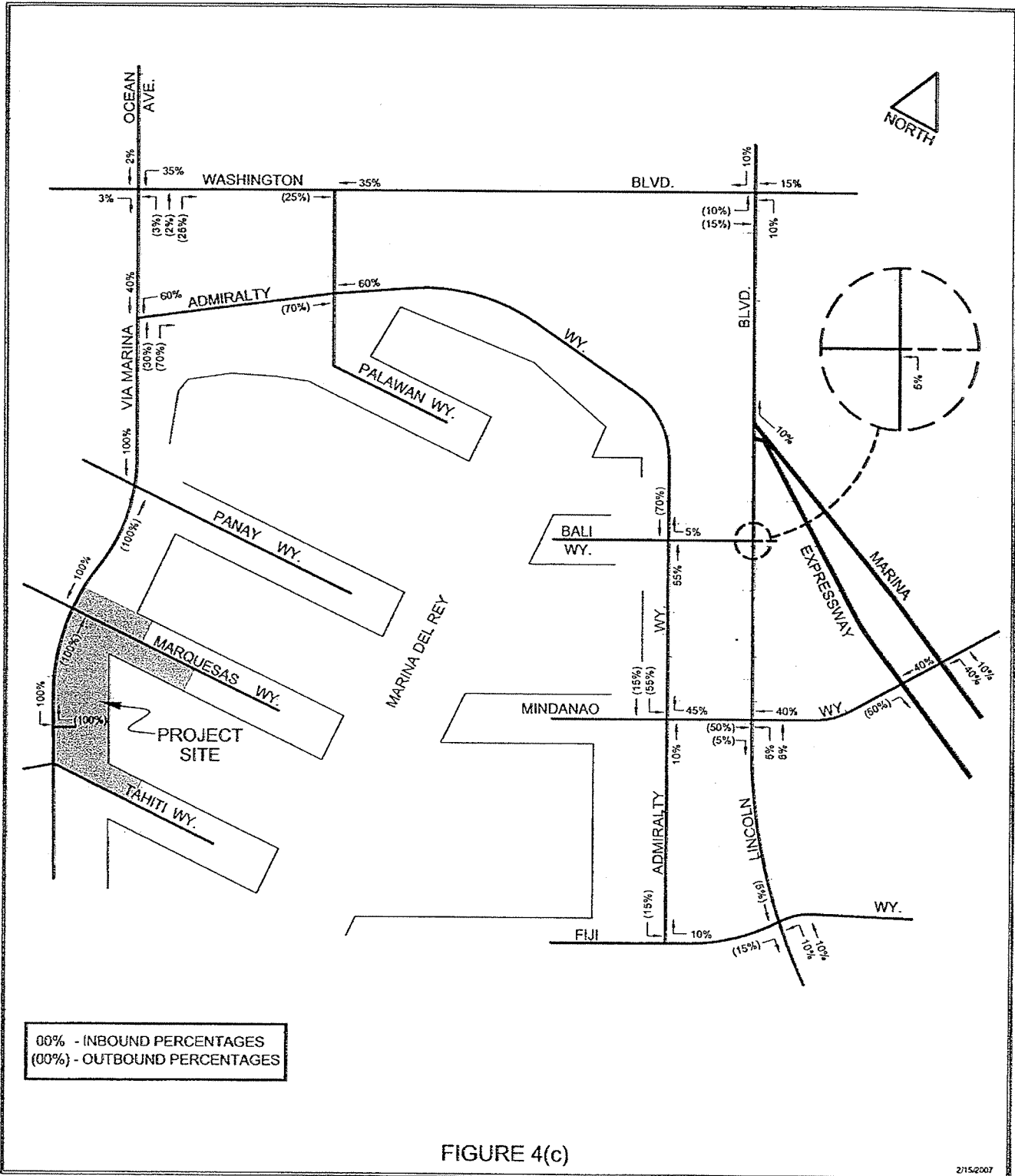
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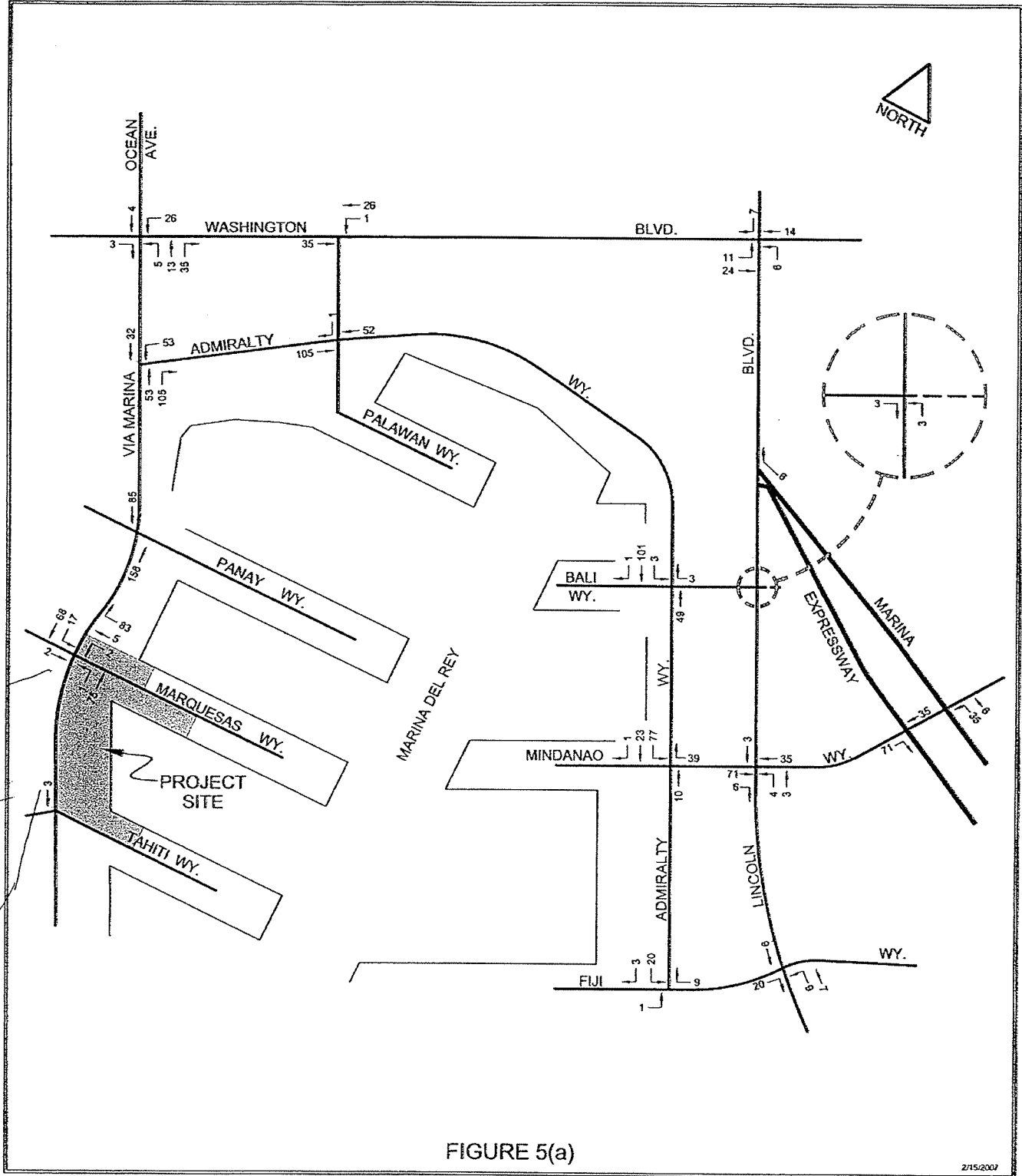


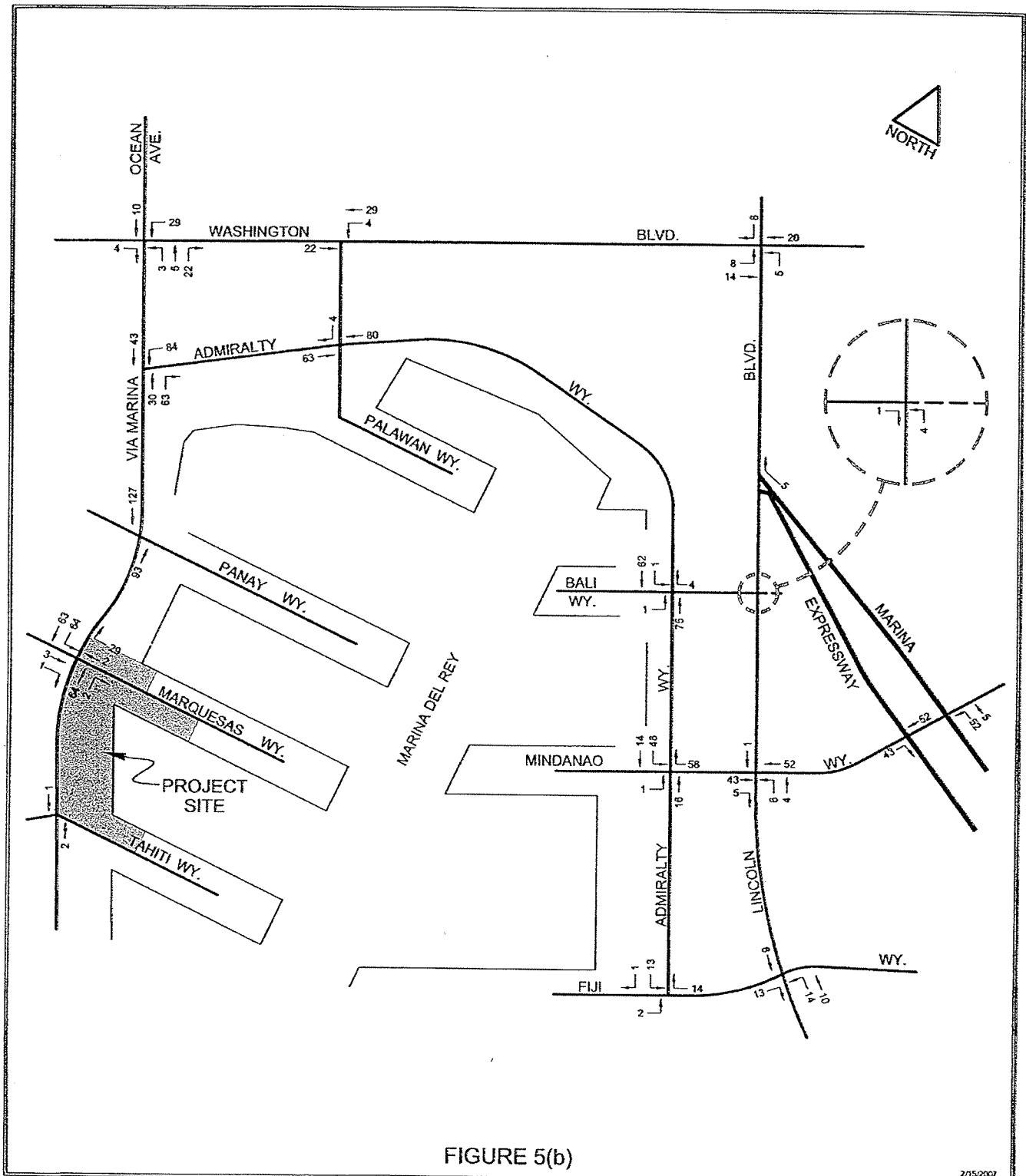
FIGURE 5(a)

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FM MARINA DEL REY LEGACY REPORT (2-2007) JAMNETPR(10R,FF,9U)

NET TOTAL PROJECT TRAFFIC VOLUMES
 (PARCELS 10R, FF AND 9U)
 AM PEAK HOUR

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FILE: MARINA DEL REY LEGACY REPORT (2-2007) (PLANETPRJ10R FF 9U)

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(PARCELS 10R, FF AND 9U)
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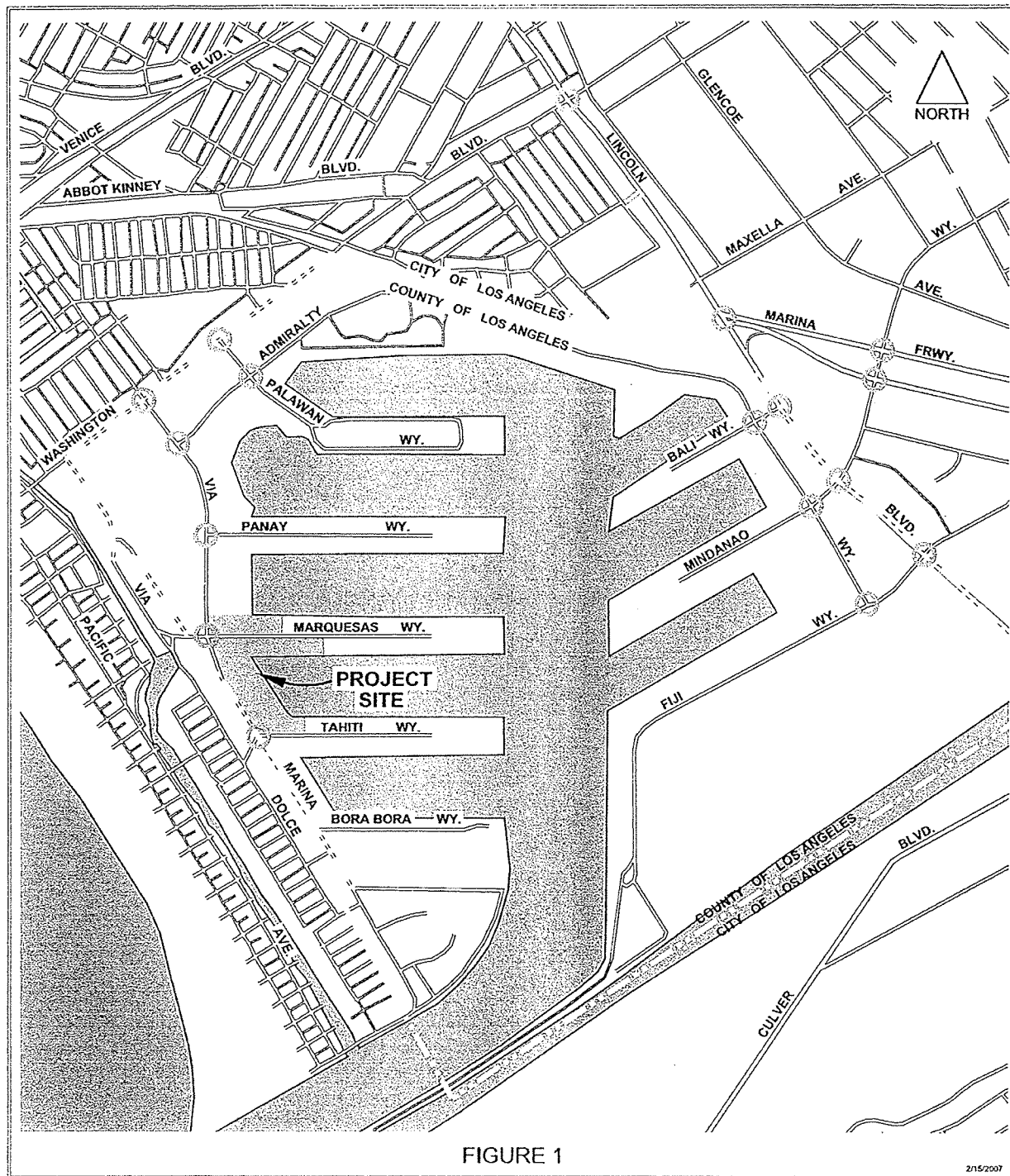


FIGURE 1

2/15/2007

FN: MARINA DEL REY LEGACY REPORT (2-2007) STUDY-INTS

PROJECT SITE VICINITY AND
STUDY INTERSECTION LOCATIONS

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Item #8

Honorable Commissioners:

Agenda Item 8: Neptune Apartments and Parcel FF

I am Marjorie Aljian of Silver Strand/~~Lynne Shapiro of Via Dolce~~ *I will address Parks and Parking:*

The "underused" parking lot once designated for a park is sought by the applicant for private development of apartments. Land Use Plan A.2e Policies and Actions states, "Specific improvements proposed by this LUP Include the conversion of Parcel FF from a parking lot to a public park". The tiny wetland park adjacent to the hotel has no parking for the public. Let's talk about parking:

The Woodfin will require additional adjacent parking for guests, staff, dock staff, restaurant and bar patrons, boaters, service and delivery trucks. Neptune also lacks parking and advertises in a brochure that was mailed to some residents that an additional "public parking facility located near Burton Chase Park will serve its visitors in this high demand area." Since the park is on the other side of the Marina, I ask you, "How will visitors get to Neptune Apartments?"

- a. Will they walk around most of the Marina?
- b. Will they swim?
- c. Will they hire a boat?
- d. Will they wait for the commuter bus?
- e. Will they sleep over and return to their cars the following day?

The answer is f. Scale back this project and require adequate on site parking; in fact, require additional on site parking because **where will the public park for the wetland park? and where will the public park for the promenade that has also been promised us so that we who live here can actually see the Marina?** Both amenities have been touted as significant. Are we supposed to walk there from the Silver Strand and Mariners' Village when sidewalks are not contiguous and we have children and grandchildren in tow? There is no parking nor does their appear to be an amenity called **public toilets** along the public promenades.

The residents of Marina del Rey and the boaters want parking facilities on this side of the Marina and the park that was promised and water views.

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I am Marjorie Aljian of Silver Strand/~~Lynne Shapiro of Via Dolce~~ *I will address*
Parks and Parking:

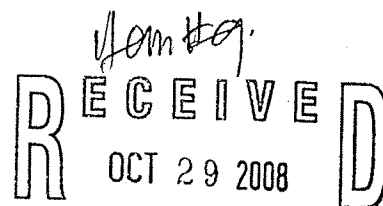
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The residents of Marina del Rey and the boaters want parking facilities on this side of the Marina and the park that was promised and water views.



SOS = Signs of Sophistry:

REGIONAL PLANNING COMMISSION

- **Sophistry**: A fallacious argument. A **strong sophistry** is a sophistry with the intent to deceive. A **weak sophistry** is an inadvertent sophistry
- **Waldo**: A word or phrase or image hinting at the truth in a text which either omits the truth or distorts the truth. It is incredibly common in quasi legal writings. The word comes from the children's puzzle 'Where's Waldo?': Meaning it is hidden in plain sight by means of complexity.
- **Queer** the meaning of a word: To surreptitiously change the meaning of a word by using it in different contexts with different words and then using it at the desired point of deception, giving a meaning taken from the wrong context. It is Used in **examples 1c and 2b** and in the Draft Recommendations of the CCC for the definition of Hotel.
- **308.5 argument**: Section 308.5 was the number in the California Civil Code given to a popular initiative. Section 308 was more limited in scope than the initiative, but arguments convinced the Legislature that since 308.5 was near 308 in the code, the limitations applied. This kind of argument made to midlevel staff is used to subvert the clear intent of the law.
- **mischievous misprints**: A misprint of the name of a parking lot GR to (GG) may have helped approve projects which significantly disturbed the cross beach views from GR as in **example 3b**. Also in **4a**.
- **Coconut Road clause**: Seemingly surreptitious insertion of misleading or false clauses into a document. Coconut Road was the beneficiary of a freeway connection earmark slipped illegally into an bill already **passed** by Congress. The Federal bill's wording was illegally changed, and hopefully the perpetrators will go to jail. Most of the time when I use **Coconut Road**, I don't know if it is in fact illegal. When I am sure, I will use the expression **Strong Coconut Road**.
- **Indefinite calculations**: Calculations involving only changes, with no Total figure given or easily accessible. Bail out if your bank only gives your deposits and withdrawals but never the balance. Analyzing only the changed amount is called **Indefinite Analysis**
- **Century City Source**: A source of information which is hard to locate and of such poor quality as to be laughable. Named after the hand written note

by a developer which was sent to the City and used to justify ridiculous Development Rights. See slide 27/53 of a slide presentation at <http://www.tract7260.org/Presentations/CityCouncilJMBPrinted.pdf>

Acronyms:

- NOP = Notice Of Preparation
- DCB = Design Control Board
- DEIR = Draft Environmental Impact Report
- FEIR = Final Environmental Impact Report
- EIR = DEIR + EIR
- DRP = Department of Regional Planning
- CEQA = California Environmental Quality Act
- DZ = Development Zone
- LCP = Local Coastal Plan
- CCC = California Coastal Commission
- RPC = Regional Planning Commission
- SCHC = Small crafts Harbor Commission
- DBH = Department of Beaches and Harbors

EXAMPLES of Marina del Rey Sophistries

1. The Shores (Parcels 100 & 101)

- a) NOP land use misleading with **mischievous misprints** and omissions
- b) DCB misinformed by its Counsel about its duties to consider scenic views
- c) DEIR claims (by **queering** word meanings) DCB approved their view impact while Minutes of DCB silent on views
- d) Adjoining land owners ignorant of Project throughout most of Bush's first term. Condos were not mentioned in NOP
- e) DEIR Shadow study incorrect. FEIR response was to broaden study. Still incorrect. More wrong pictures.
- f) Traffic study incorrect. The key Trip Generation Plan fails to include intersection opposite closest neighbor. No response in FEIR
- g) Judge Yaffe caught the Shores in a **Waldo**, which he used to argue that the 25,940 cubic yards of excavated earth which now had to be exported should be analyzed in a recirculated EIR, in order to insure the public knows the basis on which the decisions were made

- h) The directions written for the analysis of the recirculated EIR were to restrict all attention to the 25,950 (sic) cubic yards of exported earth. That is, use **Indefinite Analysis**
- i) **Total** amount of exported solid waste not mentioned in FEIR or DEIR. Imported gravel, without amount stated, is a **Waldo**
- j) Total amount of material exported or imported never mentioned in the EIR.
- k) The calculation of DZ potentials justifying increased density over the cap is a masterpiece of **Indefinite Calculations**
- l) The FEIR's **responses** to two different letters on the DEIR's incorrect estimate of the moved earth were **inconsistent**. In one, it was because of an error calculations. In the other, it was due to an importation of gravel.
- m) The Shores never asked for a permit to export over an excess of 100,000 cubic yards of solid waste. Thus we have 4 different reasons for the waste moving sophistries: First, avoid the export permit. Second, deceive the public as to construction traffic impacts. Third, deceive the DCB about the above grade garages. Fourth, **queer** the air quality calculations.

2. The Archstone (102)

- a) Initial DCB meetings had misleading project description
- b) The words 'dimensions of building' was **queered** so that building into street did not change 'the dimensions of building'
- c) Outdated maps and incorrect maps were used at the DCB
- d) Letter to DCB not delivered by staff
- e) Special meeting at unusual time eliminates impartial influential commissioner
- f) Attempted to leave DRP out of process, hence adjoining Condos never noticed because of this maneuver
- g) The small size of this project demonstrates the culture of deception practiced without fear of consequences. Too small to bribe anyone, too simple to worry about delays and timing disruptions

3. Jamaica Bay Inn (27)

- a) Violates CEQA by avoiding an EIR process using its address instead of common name. Hence eliminates public input.

- b) Significantly disturbed cross beach views from parking lot GR. A **mischievous misprint** appears at a key spot in the LCP
- c) Incorrect address used in permit application
- d) Possibly avoiding the hostel requirement of **22.46.1190 A 8a** of the LIP

4. Parcel OT

- a) Incorrect address told to Argonaut and in description of property
- b) To be used for trading Development Rights outside of its DZ
- c) Parking lot not replaced by a park; violating LCP, page 2 - 8 12
- d) Secret scoping meeting documented by court reporter

5. Bar harbor & Esprit (15 & 12)

- a) Parcel 15 completion date is past and construction has not begun, violating lease
- b) Trip generation plan is laughable
- c) Parcel 12 has been under construction for years and still no occupancy
- d) No Initial Study by County in EIR

6. Villa Venitia (64)

- a) Project will wipe out Blue Heron colony
- b) Project will destroy world class views of snowy San Gabriel Mountains from north and south jetties.

7. Woodfin (9U)

- a) Needs an LCP amendment, or else **queer** the definition of hotel (in the CCC/s Recommendations to LA County to remedy the "out of compliance with Coastal Act")
- b) The Notice of Intent to Apply for a Permit is a **Waldo** with a false address
- c) Low cost visitor serving requirement of **22.46.1190 A 8a** not followed

8. Boat Central (52)

- a) Builds out over water contrary to code. DCB rejects project. County continues project by taking it to RPC
- b) DCB Chair says process is broken

- c) inaccurate scale model and mislabeled view presented at DCB meeting

9. The Permit Process is corrupted

- a) Applications for many permits have false addresses, some miles from the site
- b) Violations of Brown Act by misleading notices of public meetings
- c) Public bodies are deceived by counsel as to their powers and responsibilities. The Coastal Act's rule, that ambiguities are decided against greater development, is ignored
- d) **'Coconut Road'** clauses are inserted into official documents and Findings
- e) Clear wordings of laws and guidelines are undermined by **308.5** arguments
- f) There is a high proportion of **'mischievous misprints'** at key places which introduces misinformation
- g) Incorrect or confusing maps are introduced at DCB and SCHC meetings. Conversely, Commissioners are not give maps to follow the discussions
- h) The CCC found LA County out of compliance with Coastal Act. Since then, the pace of cited activities has exploded: Small slips are being destroyed. Mountain views are being destroyed.
- i) Marina del Rey's tax assessors' maps have not been updated since 1999. The County 'lost' the property description of parcel K-6; or else we were given false information. New parcels are unilaterally created by DBH even though the whole LCP zoning system is based on the original parcels
- j) The true extent of development is obscured by **Indefinite Analysis and Calculations**. Caps on development are ignored, at the whole MdR level or at the Development Zone level
- k) Information to the public is blocked by mislabeling projects, parcels, or claimed inefficiency. Especially by DBH
- l) Special meetings of DCB held at unusual times. The Chair of the DCB said the Process was broken. Every project seems to follow a different entitlement procedure
- m) Lease options are negotiated in secret. Projects planned without public input. Applicants present initial plans without information about adjoining projects. Public gets involved when change is too late.

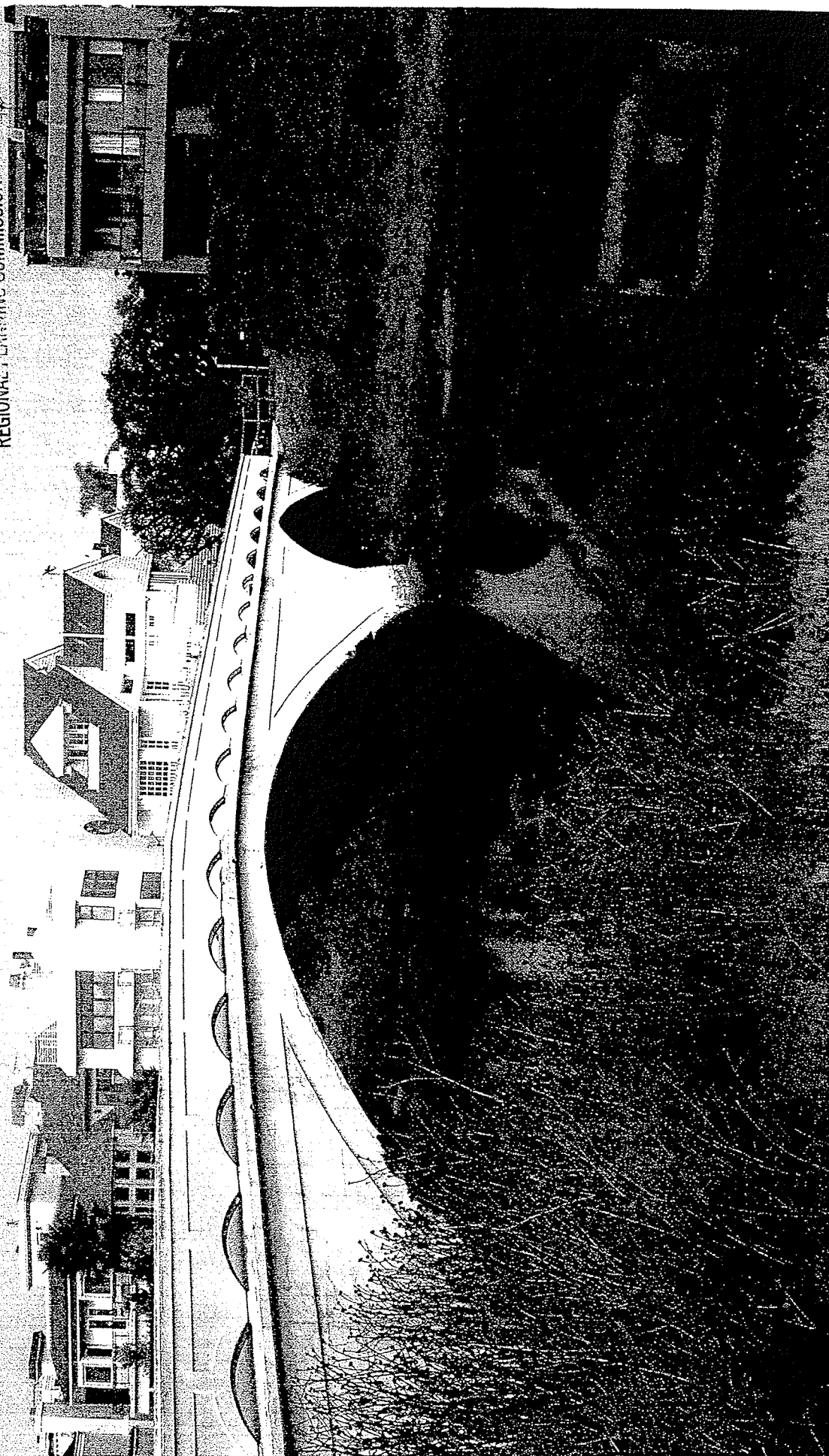
- n) Misinformation is conveyed to the CCC in the form of incomplete, undated tables. SCHC Commissioners are not furnished status maps to help follow the proceedings.
- o) Counsel for the DCB and BOS omit relevant sections of Code when asked for advice in public meetings.
- p) Inconsistent rules are interpreted in favor of the least restrictive rule, ie. **1190 8a** vs **1180 16b**. Consistent rules are said to be inconsistent as an excuse to diminish the role of the DCB.

Item # 9

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NOV 29 2008

REGIONAL PLANNING COMMISSION



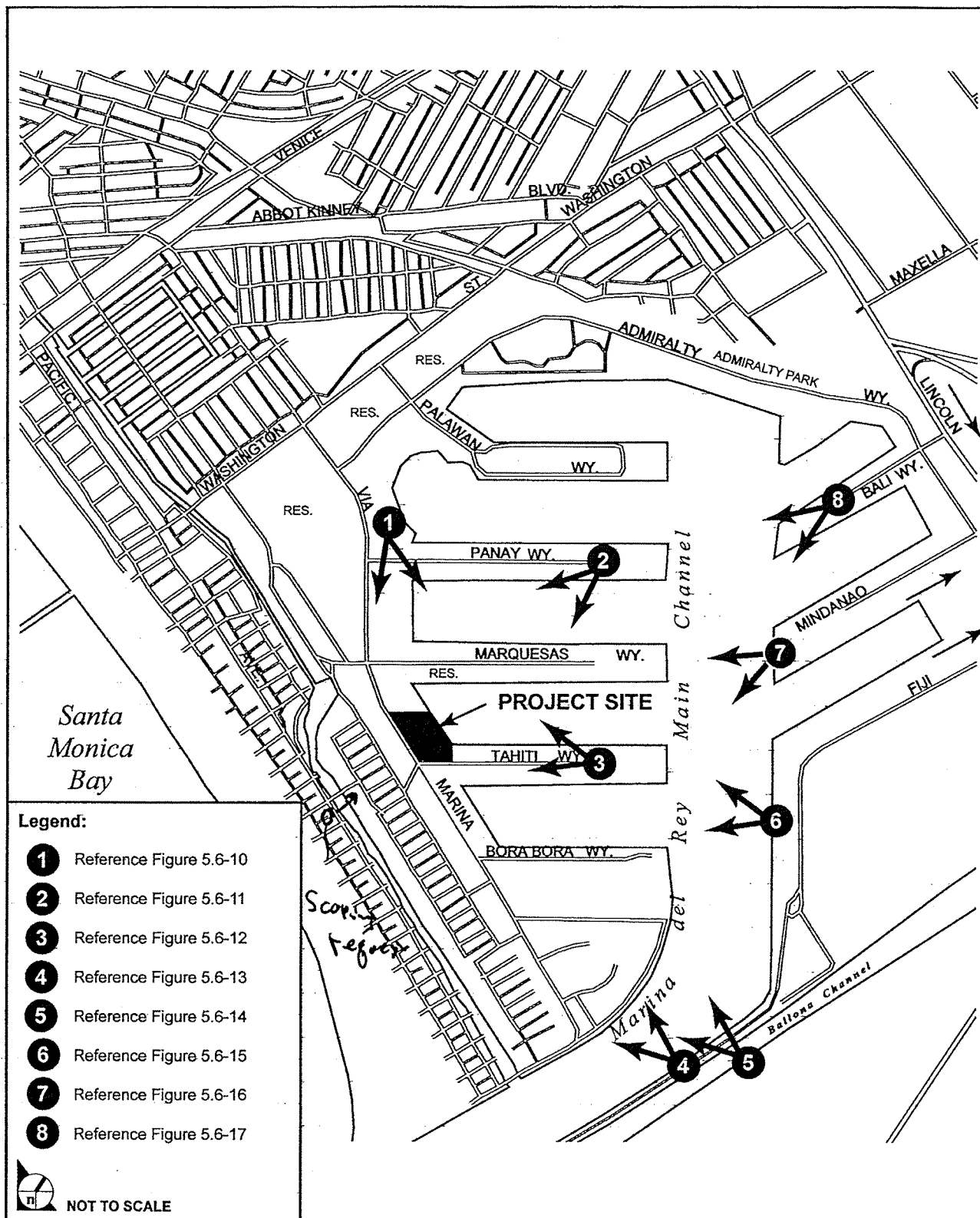


FIGURE 5.6-9

Woodfin Suite Hotel and Timeshare Resort (Parcel 9U) – Viewing Locations

Scoping meeting

1 DAN GOTTLEIB: My name is Dan Gottlieb, and I live
2 in the Marina Strand Colony 1. And I was concerned
3 with the -- do I need to talk into here?

4 AUDIENCE MEMBER: Yes.

5 DAN GOTTLEIB: I was concerned with the description
6 of the land use around the project. For example, the
7 Woodfin is going to be a 19-story building, and across
8 the way is condominiums, privately owned condominiums,
9 that only rise three -- three stories.

10 Now, in the land use description, there wasn't
11 a fact that having a large skyscraper would impact the
12 smaller areas. So I would like the -- I would like
13 information to go out to these people that live across
14 the street who are going to be in the shadows.

15 Another point I want to make is scenic views.
16 In the Shores EIR, the -- whoever wrote the -- staff or
17 whoever wrote had trouble defining what a scenic view
18 was, and all they ended up doing was taking pictures
19 from across the street of the proposed buildings.

20 Staff had to put a -- a little mark in their
21 independent review as to whether or not this thing
22 would impact a hiking trail. And there is a hiking
23 trail, Ballona Lagoon hiking trail, from which you
24 should be able to see a 19-story building, which will
25 eliminate the character of the sort of wild situation

1 there.

2 And also, there are certain views which are
3 supposed to be protected according to the Coastal
4 Commission. And one is from Chase Park, which is
5 directly across from this 19-story building, and
6 another one is from the -- the jetties on the channel.

7 You can look north and that -- and I'd like to
8 see some pictures taken from those positions,
9 especially lighthouse bridge where you have a
10 beautiful view in all four directions.

11 And I'd like this -- to have the tower
12 described in those pictures so that whoever makes the
13 decision can decide on whether or not the area is being
14 changed from that.

15 LLOYD ZOLA: Okay. Thanks.

16 It's interesting how this works, but if you go
17 over time, it starts saying how much over time. Again,
18 it's not a contest to see who can do that.

19 Okay. Next we have David De Lange.

20 DAVID DE LANGE: I'm David De Lange. I'm executive
21 director of Coalition to Save the Marina and also with
22 Save MDR Alliance.

23 I'm going to need two sets of time, but it is
24 first that I want to talk about the wetlands that will
25 be altered greatly. It's described in this development

1

CERTIFICATE

2

OF

3

SHORTHAND REPORTER

4

* * * * *

5

6

I, the undersigned shorthand reporter, in and

7

for the State of California, do hereby certify:

Honorable Commissioners:

I am Lynne Shapiro, resident of Marina del Rey.

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I have read the D.E.I.R. for the 9U parcel. With respect to NOISE its assumptions are incorrect. Years of grading, construction and trucking, then 3,104 additional vehicle trips daily including service and garbage collection and now a heliport are said to have no impact. The mitigating premise is that Marina residents are out at work all day long. This is false.

Where is the resident population study to back the assertion that this noise will have no impact? Most of the residents in the four large Via Marina condo complexes are retired senior citizens, and a significant number of renters and owners works at home. In my building 71% spends much or all of the day at in the Marina. In the buildings of 145 and 168 residents, closest to these projects, even more folks are at home during much of the day.

A heliport and its use at night for any purpose is a dreadful intrusion. We are served by ambulance now; and unless you are projecting unprecedented traffic jams, there is no reason to disturb us day or night with this horrible noise. We are not an airport; we are a quiet residential community.

In addition to all the short-term and cumulative impacts cited in this hearing notice, the nineteen story hotel is a monstrous intrusion on the residential community, the closest commercial ventures being the Charthouse restaurant and the Cheesecake Factory down on Panay way.

With the Del Rey Hotel, a hotel for Fiji Way, a large Ritz Carlton or a Marriott on Admiralty, a greatly enlarged Jamaica Bay also on nearby Admiralty, and the threat of a resident Marriott usurping Mothers' Beach from County residents, why ruin the sky, the view, the wind, the safety and tranquility of the community with a nineteen story Manhattan-like hotel? Marina hotel occupancy has never reached more than 70-75%. Neither traditional occupancy nor current economic conditions warrant this hotel. Where is the study that

shows us a sea-change from our Current Land Use Plan A2.d.'s Findings: "demand for more expensive visitor serving facilities, such as hotel rooms, has proven to be limited." Why devote more parcels to hundreds of upscale hotel rooms when the same LUP section recognizes "strong demand for new lower-cost recreational opportunities"? This project unfairly satisfied its time-share requirement in Santa Monica rather than here in the Marina.

Finally, the D.E.I.R. states that the infrastructure does not support this or these projects. We residents know that a huge, new sewer would not be necessary along Via Marina were it not for the huge Woodfin and four hundred Neptune apartments. It is unfair that a small residential neighborhood bear the burdens of these massive projects.

LOCAL

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Board urged
to let ruling
on judges stand

COUNTY: Appellate court said perks, extra benefits violated state's constitution.

By Troy Anderson

A taxpayer advocate attorney and a half-dozen other people asked the Board of Supervisors on Tuesday

not to appeal a recent appellate court decision ruling that the county

was in violation of the state constitution by paying judges

perks and supplemental benefits that were unconstitutional.

The request followed a recent decision by a three-judge panel of the state's 4th District Court of Appeal that

found the state constitution only allows the Legislature to set judges' pay. The Board of Supervisors practice of paying

judges an extra \$46,436 annually in cash benefits, therefore, is not permissible. The case was filed by Judicial Watch, a

conservative watchdog group based in Washington, D.C.

County Counsel Ray Horner could not be reached to comment on whether the county planned to appeal the decision.

Taxpayer advocate attorney Richard J. Fine said he calculated

that the county has paid the judges about \$400 million since 1988 and no further taxpayer funds should be wasted to defend the practice.

And when you look at the last three litigation reports that you received from the County Counsel's Office, you will see that not one case was decided in favor of a plaintiff against the county when the judge made the decision," Fine said.

The effect is this: \$46,000 a year has had an effect on the judges.

John Rizzo, president of the Marina Tenants Association, said his organization sued the county, alleging that it was losing tens of millions of dollars in case

paying overcharges to the fees in Marina del Rey.

"The Superior Court would not let us go to trial on the merits of the case," Rizzo said. "When is (\$46,436) a perk and when is it a bribe? Don't appeal the appellate court's decision to the (California) Supreme Court, let's clean up the courts and the marina."

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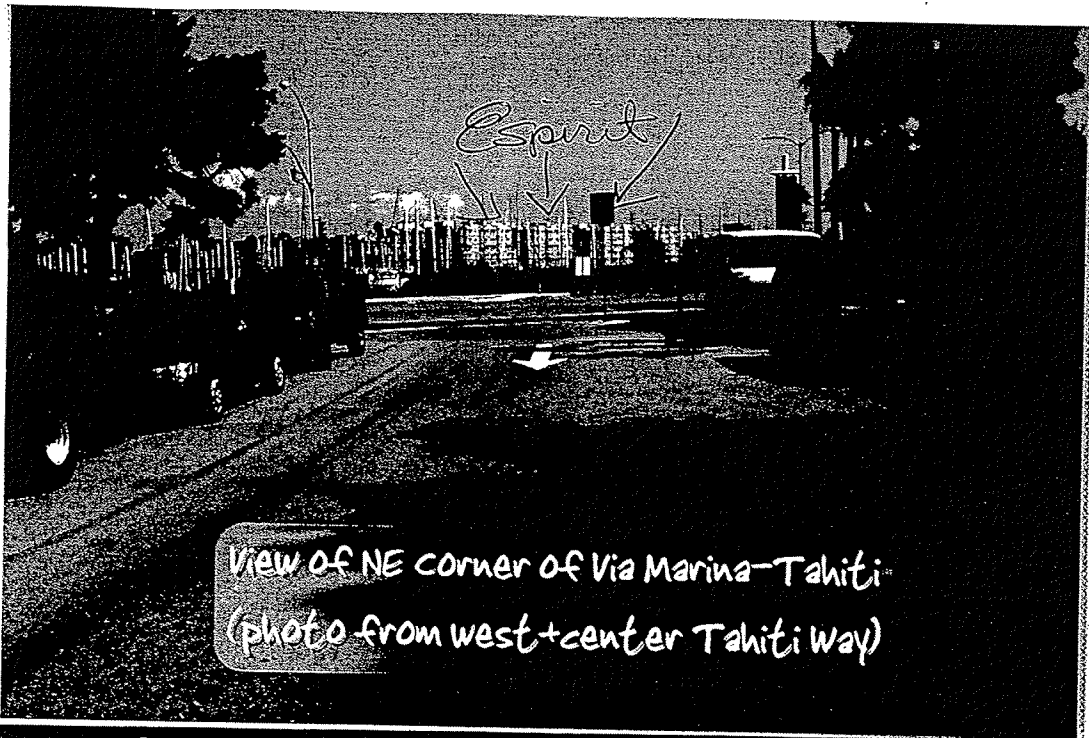
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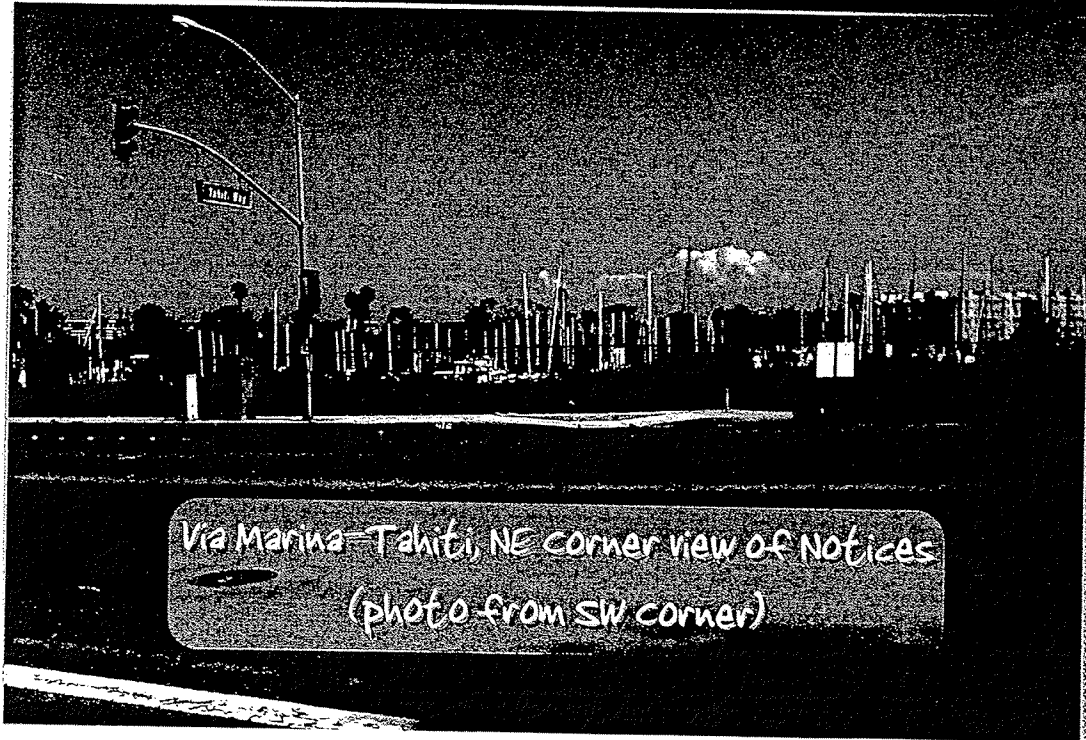
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COPIES: EACH COMMISSIONER
STAFF

Mexican
Unterz
Dean
Tripp



View of NE corner of Via Marina-Tahiti
(photo from west+center Tahiti Way)



Via Marina-Tahiti, NE corner view of Notices
(photo from SW corner)

